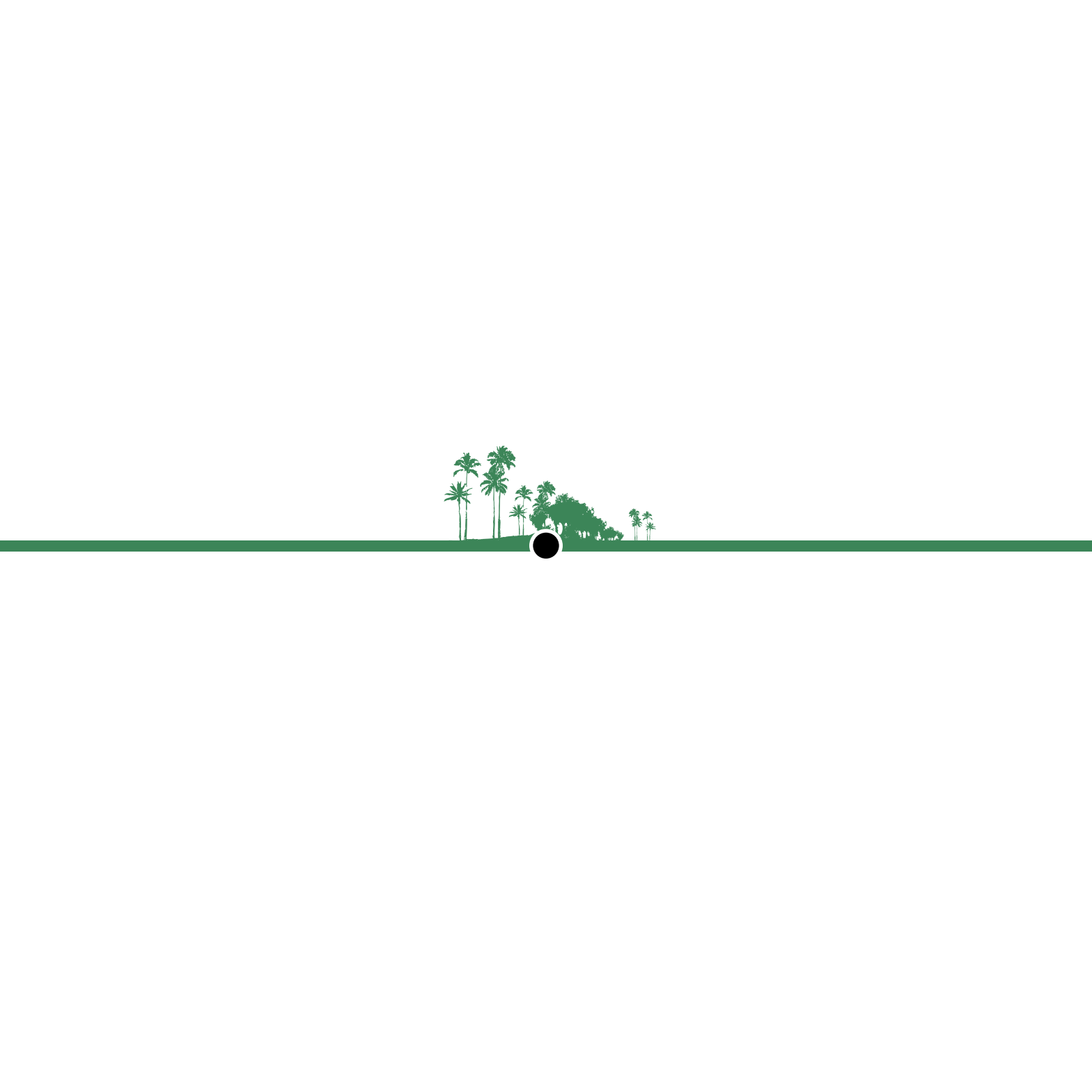




AGRARIAN CHRONICLES IN INDONESIA:

Expanding Imagination
over Periods, Sectors and
Actors

EDITORS:
**Ahmad Nashih Luthfi &
M. Fauzi**



AGRARIAN CHRONICLES IN INDONESIA: Expanding Imagination over Periods, Sectors and Actors

Revised edition from Indonesian title:

KRONIK AGRARIA INDONESIA:

Memperluas Imajinasi Lintas Zaman, Sektor dan Aktor

(@ Ahmad Nashih Luthfi, M. Fauzi, Razif, 2010)

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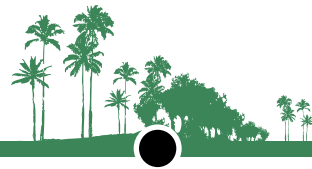
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Preface to the Second Edition from the Editor (2018)



The *Agrarian Chronicles in Indonesia: Expanding Imagination over Periods, Sectors and Actors* [original title in Indonesian: *Kronik Agraria Indonesia: Memperluas Imajinasi Lintas Zaman, Sektor dan Aktor*] has been published in two forms: a book and a panel exhibition. *Agrarian Chronicles in Indonesia* was first developed in 2010 and has been presented in a number of occasions. The first version (2010) of the publication was published as a book and an exhibition in Indonesian language and was launched for the first time during the observation of the “50th Year Anniversary of the Basic Agrarian Law 1960” in 2010 at the National Land College (STPN) in Yogyakarta. The observation of 50th anniversary of the Basic Agrarian Law was held as a collaboration between STPN, Sajogyo Institute - Bogor, and the Indonesian Institute of Social History (ISSI) – Jakarta. Historical agrarian chronology was presented in the first edition of the *Agrarian Chronicles in Indonesia* that covered the period since the 17th century (year 1619) to the 21st century (year 2010) by the authors Ahmad Nashih Luthfi, M. Fauzi, dan Razif.

The first edition of the book was published and available in digital form by STPN. The digital form is accessible from STPN’s website www.pppm.stpn.ac.id and ISSI’s website www.sejarah-sosial.org. The panel version of the publication is displayed at the STPN as part of the learning materials and exhibited almost every year in a number of institutions and events, such as the Gadjah Mada University (UGM), Yogyakarta State University, Bogor Agricultural Institute (IPB), and the Indonesia Tenure Conference in Jakarta.

In the Indonesia Tenure Conference in 2017, the participants were facilitated in a participatory manner to provide notes and inputs for the updating of the publication. We are so happy with the responses and agreed that there have been many agrarian events in Indonesia between 2011 and 2018 that need to be integrated into the publication. We have in fact summarised the notes and came up with two themes for the period: agrarian conflict and agrarian policies.

From the notes, it is evident that agrarian conflict is a common

issue facing the participants, who came from all over Indonesia. We are aware that conflict has been the main characteristic of current agrarian issues in Indonesia. Old agrarian conflict may have not yet been solved when new agrarian conflict arises as a result of the issuance of contemporary agrarian policies. In fact, the number of agrarian policies issued is not proportionate with the scales and numbers of existing conflicts. Some policies addresses problems but at the same time, new policies on land procurement, infrastructure construction and other economic development policies are issued that are oriented to extraction of agrarian resources, which leads to agrarian conflicts in a number of islands in Indonesia. The level of the causes and impacts of agrarian conflicts has escalated at the global, national, and local.

Against this background, we have decided to publish the second edition (2018) of the publication to update some major events during 2011-2018. The additional section of this updated version is divided into the following three themes: (1) Agrarian Conflict; (2) Agrarian Policy; and (3) Indonesia's Agrarian Role

at the Global Level. The publication will still be published in the form of a book and exhibition panel, as well as translated into English language.

We have decided to add the last theme since the publication will be presented during an international forum, the Global Land Forum in Bandung in September 2018. We believe the importance of giving emphasis on the role of Indonesia at the global level to the hundreds of international participants that are expected to be participating in the event.

The development and publication of the *Agrarian Chronicles in Indonesia* is initiated and funded by the Consortium for Agrarian Reform (KPA) and the National Land College. We would, therefore, like to express our gratitude to Dewi Kartika (Secretary General of KPA) Senthot Sudirman and Abdul Haris Farid (STPN), who has provided the collaborative writing opportunity and funding support, Mohamad Shohibudin (Centre of Agrarian Study of IPB), who has contributed to the idea for the additional themes, and Noer Fauzi Rachman and Siti Mai-

munah (Sajogyo Institute) for their participation in the initial discussion for updating the publication, and Gunawan Wiradi who has contributed as the resource person of this publication.

The second edition of this publication is a joint contribution of the following writers (in alphabetic order): Ahmad Nashih Luthfi (STPN), Amir Mahmud (Sajogyo Institute), Anton Novenanto (Sociology Department, Brawijaya University), Bayu Eka Yulian (Centre for Agrarian Study, IPB), Benni Wijaya (KPA), Dwi Wulan Pujiriyani (STPN), Imamul Hak (KPA of South Sulawesi), Iwan Nurdin (KPA), M. Fauzi (ISSI), M. Nazir Salim (STPN), Mokh. Sobirin (Yayasan Desantara), Muhammad Ridha (Sociology Department of Alauddin Islamic State University, Makassar), Razif (ISSI), Siti Maimunah (Sajogyo Institute), Trya Adhelia (Sajogyo Institute), Usep Setiawan (Presidential Staff Office of Indonesia and KPA), Vegitya Ramadhani Putri (Law Faculty, Sriwijaya University), Wildan Sena Utama (Department of History, Gadjah Mada University), Yoppie Christian (Centre for Study on Coastal and Marine Resources, IPB), and a writer from Jogja Agrarian Emergency Movement.

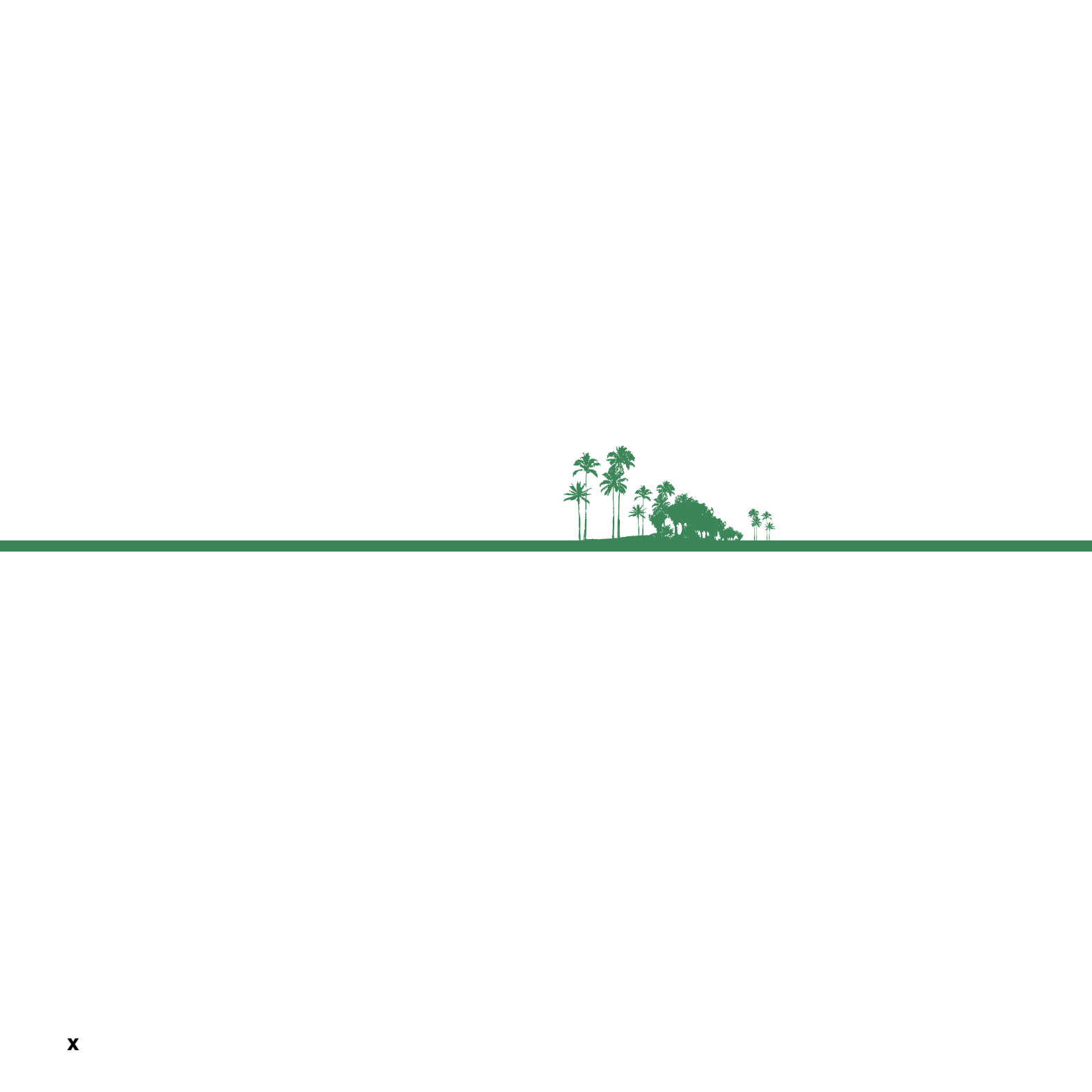
The publication is translated by Theresia Wuryantari and Tirza Petronella Latupeirissa, with graphic design and layout by Alit Ambara. We would like express our utmost appreciation for their contribution to this publication.

We prepared this new edition book for the 58th anniversary of National Peasant's Day (September, 24 2018), as well as welcoming the Global Land Forum participants a rewarding experience during the conference in Bandung, September 2018. We hope that you enjoy learning from the *Agrarian Chronicles in Indonesia*, which provides the historical notes over periods that reflects part of the "global history" that the world has commonly faced and is still facing and which provides the solutions for a better world in the future.

We hope you enjoy reading this book! We welcome all critics and comments to this publication.

25 August 2018
Ahmad Nashih Luthfi & M. Fauzi





Foreword by STPN Press

STPN Press as a part of the National Land College (Sekolah Tinggi Pertanahan Nasional), since more than 10 years ago published some manuscripts focused on land and agrarian issues. The manuscripts that we publish written by scholars, researchers, activists, bureaucrats and students based on their work, research, and study experiences. In addition to books, STPN Press also publishes teaching materials such as posters and exhibition panels. One of our most popular exhibition panels is the Agrarian Chronicle in Indonesia.

This is the second edition of book we have published, working alongside the Consortium for Agrarian Reform (KPA). The first edition of the book was published with Sajogyo Institute and the Indonesian Institute of Social History (Institut Sejarah Sosial Indonesia).

STPN Press would like to thank to KPA and all of the editors and writers for co-producing this book and exhibition panels of Chronicle. By displaying them at the 2018 Global Land Forum,

they will be learnt by international participants from more than 80 countries.

This book has also been published with the intention of becoming a reference point for anyone interested in studying the history of agrarian issues in Indonesia. The approach used by the writers is a classical approach: chronology. This method is simple but facilitates notes on a variety of events that have influenced on agrarian history across the Indonesian archipelago.

Finally, we hope you enjoy read this book. Happy reading.



The agrarian struggle in Indonesia has been underway for a long time ago, since the colonial era until now. This long period of time has naturally led to the birth of a variety of different experiences and lessons for the agrarian reform movement. We are conscious that the history of agrarian reform is an important part of the people's struggle to free themselves from exploited colonial and feudal structures. These experiences should be recorded and collected in order to complete the knowledge of agrarian struggles in Indonesia.

Therefore, through this opportunity, we initiated to republish the manuscript of Agrarian Chronicles in Indonesia collaborated with STPN Press. This is the updated version from the first edition published by STPN Press in 2010, to complete some parts which considered uncompleted from the previous one.

This latest edition will be printed as an exhibition panel and a book. They will be displayed at the 2018 Global Land Forum, the largest forum dealing with land issues in the world, to be

Foreword by Consortium for Agrarian Reform (KPA)

held in Bandung; on the same time to celebrate National Peasant's Day and 24th jubilee of KPA on 24th September 2018. This forum attended by over 700 participants from more than 80 countries which will be an important moment for sharing the history of agrarian movement and people's struggle in Indonesia.

In addition, this manuscript can become a key reference for those wanting to study the histories related to agrarian issue. Through a chronological approach, the manuscript includes timelines from all aspects: policy, institution, conflicts, leading figures, and the story of Indonesia's agrarian struggle on the global stage.

We would like to thank all of the writers involved in this project, including Ahmad Nashih Luthfi (STPN) and his team; M. Fauzi (Indonesian Institute of Social History) and Alit Ambara (Nobodycorp. Internationale Unlimited) for their time and hard work assisting us to update the chronology; and all of our

friends and colleagues who have contributed their writings and thoughts to enrich the knowledge of agrarian history in Indonesia.

Finally, we would like to encourage you enjoy this updated edition. We hope that it is beneficial to all readers interested in agrarian issues and agrarian history, especially those friends of ours who continue to struggle for genuine agrarian reform.

Dewi Kartika
Secretary General

Introduction

Agrarian problems are consequences and capitalism is the cause, which is in place when one wants to explain the long history of agrarian issues in Indonesia. The agrarian politics had the origin in the advent of VOC in the medieval Indonesian archipelago, which continued to the Dutch colonial administration, Sukarno era (Old Order), Soeharto era (New Order), up to the contemporary Indonesian administration. The politics of agrarian issues reflects the approaches and measures of the ruling power to respond to capitalist development, which requires sharpness and solidness to face capitalism. Such sharpness and solidness are necessary in line with the proposition: “if capitalism is thrown out of the door, it comes in through the window.” The position taken by the ruling power is materialised in the law, infrastructure, and the forms taken by the state. The state’s position reflects whether the state puts first the sovereignty of the people, the state, or the dominating power taken by the capital.

Agrarian issue in the beginning is about land. On the top of

LAND AND AGRARIAN AFFAIRS IN INDONESIA: A CHRONOLOGICAL HISTORY



land, there are plants that bring us the concept of agriculture or forestry, as well as water for the concept of sea and seashore, and also the sky. In the interior of agrarian issue, there are mineral materials, that bring us the concept of mining. The term of agrarian refers to all of them. Therefore, agrarian issue is the space of living for human beings, plants and animals that together constitute the living ecology and the relationships among those organisms. Agrarian issues belong to all, which come from the divine origin. Consequently, monopolising, commodifying, and bargaining for ownership of agrarian issues where those who have the money will win is inappropriate.

Therefore, separating lands from its social and cultural ties, and placing it as a commodity, cannot be justified. Such separation denies the land itself. Including lands in the market mechanism might stimulate the shock in the society socially, economically, politically, ecologically and culturally.



Jan Pieterszoon Coen held two terms as the fourth (1619–1623) and the sixth (1627–1629) Governor General of Dutch East Indies. Painting by Jacob Waben. Photo credit: commons. wikipedia.org

17th – 18th Century

Vereenigde Oost-Indische Compagnie (VOC), a multinational trading company, forged alliance with the indigenous rulers who controlled landholdings to become their lengthened arm in colonising the area.

At the end of the 19th century, VOC took full control of the trade, mobilised labour, and levied taxes, and imposed control over the areas that once were the foothold of the indigenous rulers.

VOC appointed an indigenous head of regency and a European controller to force coffee planting in Priangan, West Java. Such land tenure was solely for the purpose of taking control of coffee production and forced the indigenous people to cultivate other export crops other than coffee.

The system known as private estates could only work well in good coopera-

tion with the traders of Chinese origin. The system later could not support the market mechanism as a result of the very low specialisation of production. As a result, changes in land tenure were considered necessary.

Under the so-called *Preanger Stelsel* (Priangan System) in 1720, VOC forced households in Priangan to cultivate coffee and sell them at predetermined prices. The system was enforced with force and violence that the people of West Java entirely gave in to the power of VOC. The Sundanese aristocracy was mobilised in this system to lead their people to grow coffee. In addition to

compulsory coffee cultivation, people were forced to deliver their rice crops. Around 1870, the system was put to end following the struggle by the peasants.

Herman Willem Daendels served the office as the Governor-General of the Dutch East Indies during 1808-1811
Photo credit: commons.
wikipedia.org

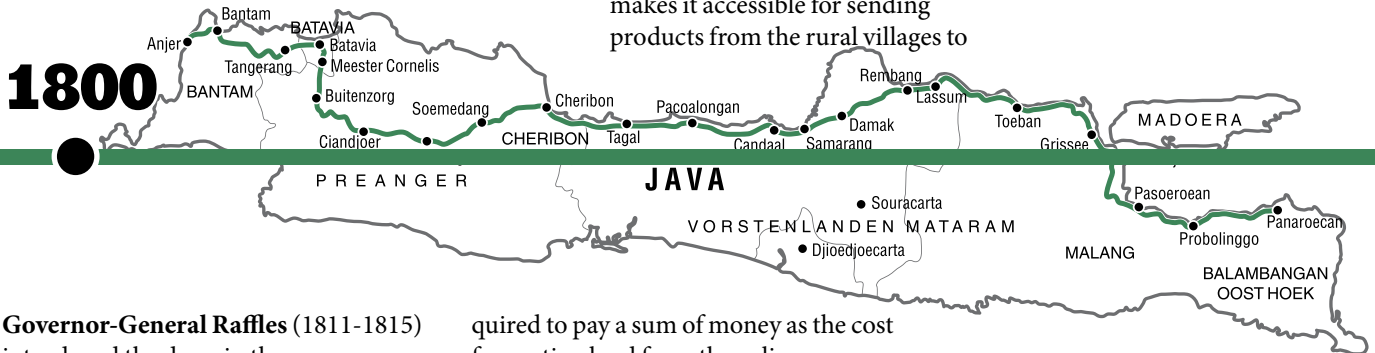


Governor-General Daendels (1800-1811) made changes by assigning the Regents of Java as Dutch administrative officers, not as the rulers of their own regions. The Regents were employed as employees with salaries and were not entitled to land holdings.

The Great Post Road (*Grote Postweg*) is the road that runs across Java constructed during Daendels' reign. Regents in Java mobilised workers for the construction of the Road. The Road connects the hinterland with the nearby cities, makes it accessible for sending products from the rural villages to

the cities to be shipped to the "nations above the clouds" (overseas). The construction of the 1000 km long road took many casualties. It is said that the construction took the lives of as many as 12,000 workers. In addition, the colonial ruling was short of funding for the road construction and sold some piece of land in the north coast to private company.

THE GREAT POST ROAD | GROTE POSTWEG



Governor-General Raffles (1811-1815) introduced the domain theory concerning land tenureship by the state.

Raffles formed a team responsible for researching into land tenure systems in Java. The results of the research indicated that land belonged to the ruling king. Raffles saw himself as the reigning ruler and therefore considered himself having the government-like authority for controlling lands. Raffles' such statement on landholdings was widely known as the *domein verklaring* doctrine. The doctrine required that all land tenure affairs should be arranged between the people and the government. Farmers were re-

quired to pay a sum of money as the cost for renting land from the ruling government, who had supreme power to control and own all land resources. The amount of taxes that people had to pay varied but it was mostly on communal basis. This was how taxes on land started to be levied in the modern sense. This is also exactly how "the State's Right to Control" was misconceived as "the State's Right to Ownership".

This land tenure system substituted the previous land tenure system that varied according to power hierarchies. With the new system, land tenure followed the western concept of private property or



Sir Stamford Raffles served the office as the Governor-General of the Dutch East Indies during 1811-1815
Photo credit: thisislondon.
co.uk

eigendom, which relied on the revitalised traditional elit structures that Daendels tried to weaken.

During his reign, Raffles sold many pieces of land including the people inhabiting the lands to private companies. The sale also meant the transfer of feudal land tenure rights such as tax levying and labour mobilisation.



Johannes graaf van den Bosch was the 43th Governor General of Dutch East Indies and served his term during 1830-1834. Painting was by Raden Saleh. Photo credit: commons. wikipedia.org



The *Cultuurstelsel* system in 1830-1870 marked the major role of van den Bosch, who believed that Europeans would never achieved what they wanted without the village organisation. During this system, people were forced to grow export crops on some parts of their lands

Van der Cappellen (1816-1826) continued the policy on land tenure enforced by Raffles and introduced a direct-selling contract system to farmers, a system formerly done through the head of village. This system was introduced to undermine the position of the existing local elites and increase the peasants' capacity in entering the free market. Van der Cappellen enforced the policy that guarantee farmers the entitlement to enjoy the products of their lands provided that they paid taxes. The seed of liberalism began to grow during Capellen period, which was eliminated during the forced Cultivation System (*Cultuurstelsel*) period.



Godert Alexander Gerard Philip baron van der Capellen was the first Dutch East Indies ruler in East Indies after the ruling of the United Kingdom for a couple of years. During the Vienna Congress, Dutch East Indies was handed over back to the Dutch. Van der Capellen took office during 19 August 1816-1 January 1826. He was the 46th Governor General. Photo credit: thisislondon.co.uk

and at the predetermined prices. The *Cultuurstelsel* mobilised all powers: the European government, head of governments in Java, village organisations, labour, smallholders. The village and their elites were revitalised. The concept of agglomerised form of villages as they are now was in fact first introduced during the *Cultuurstelsel* period.

The government later decided to have sugar cane grown in all regencies suitable for cane cultivation, that is Cirebon, Pekalongan, Tegal, Semarang, Jepara, Surabaya and Pasuruan. A year afterwards, the areas for cane cultivation were expanded to Madiun, Kediri, Banyumas and Bagelen. Forced Cultivation is the

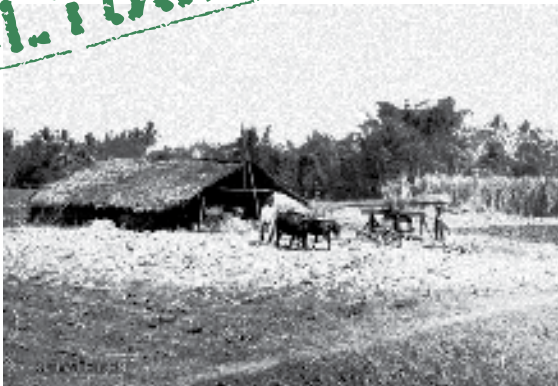
system of control over land tenure that reinforces back the role of the village elites. Communal land system was established as well during this period that helped effective control on land and labours.

Villages in Java, which were formerly the basis of production and subsistence units, were made to enter the global economic market by the Dutch government. The integration of villages in Java into the market economic system on one hand had dynamized the village economy but on the other hand was an effective way of imposing an exploitative colonial production. Javanese villages were made to become the sources of capital surplus for the Dutch Government and served as the sources of commodities for the European markets.

The revenues from the Cultivation System had allowed the Dutch East Indies budget to be balanced since 1831 and the surplus revenue was used to pay off debts left over from the defunct VOC regime. From 1831-1877, the Dutch home treasure received 832 million florins from this colony. The revenues kept the domestic Dutch economy stable: debts were paid off and taxes reduced; fortifications, waterways, and railways were built, all from the profit forced out of the villages in Java. Ironically, the revenues were also used to pay compensation to slave owners for freeing their Javanese slaves in Suriname.

On the other hand, during the entire 1830-1840, Java was struck by extreme famine not due to rice scarcity but due to the greed and price fluctuations and competitions between the local elites and Chinese traders. In 1844, Cirebon experienced a major crop failure. Epidemic, particularly typhoid, broke out in 1846-50, and famine spread in Central Java during 1849-50. *Cultuurstelsel* had indeed brought many changes but not for the benefit of the villages in Java. For 40 years almost 823 million Dutch guilders flowed to the Dutch treasury from this colony.

Agrarian sectoralisation had indeed been introduced since the Colonial era. In 1865, the first Agrarian Act was enacted. The Law in fact reproduced the state domain principle that Raffles introduced, which provided the basis for the enactment of the Agrarian Act (*Agrarische Wet*) in 1870 that stipulated that all land and forest areas (including those in outside of Java) without private entitlement were the domain of the State. Since then, forest areas had been gradually under the control of the state. Since the enactment of the Act, the Colonial government gazetted forest areas into a number of types: (1) teak wood forest under a regular system arrangement, (2) teak wood forest not under a regular system arrangement, and (3) the jungle.



Cane cultivation in Kreet, Malang, East Java, 1870. Photo credit: KITLV

Under the pressure of big private companies, the Agrarian Act (*Agrarische Wet*) was imposed in 1870. The Law was enforced to protect the capital interest of the colonial government. The Agrarian Act became the basis for ownership relations and labour relations in crop estates and other land related holdings. The Law gave plantation companies entitlement over the control of hundreds of hectares of lands and established the basis for capital accumulation by undermining community's control over sources of

bij ordonantie te stellen, worden gronden afgestaan in erfpacht voor niet langer dan vijfenzeventig jaren”.

Private capital investment through the involvement of private companies in big estates was greatly facilitated during that liberal era or through the enactment of the Agrarian Act through the stipulations that contained the basic principles of *domein verklaring* (domain of the state) strongly established during the Raffles time. The *Domein verklaring* principle said that, “all of land

that cannot be proven as private entitlement is declared the domain of the State.” Referring to the principle, the state had the absolute authority to lease the land to private entrepreneurs.

The 1870 Agrarian Law strengthened the control of private companies over the use of land in the native population setting. In one hand, the Law provided certainty to the native population on private entitlement while on the other hand, it opened the opportunity for foreign

1870 Agrarian Act

Agrarische Wet

production. In one hand, certainty concerning private entitlement of land was ensured for the natives but on the other hand, the law gave opportunity for foreign capital investment in private plantations.

The Agrarian Law was gazetted in Staatsblad 1870 Number 55 and complemented the government act (regering reglements/RR) of 1854. Among the stipulations was the authority of the Governor General to lease land to private entities as following, “De Gouverneur Generaal kan gronden uitgeven in huur, volgens regels bij ordonantie te stellen”. The Law also stipulated the right of long leasehold (*erfpacht*) for 75 years as follows, “Volgens regels



M.C. Brandes, director of a crop estate company in his office in Purwokerto. Photo credit: collection of Tropenmuseum.

investment in private plantations.

In this period, farmers earned income from their leasing land to private companies land while also working as plantations workers. It was during this liberal period that farmers reduced themselves to become plantation workers.

Despite the opportunities that the Agrarian Law provided to big estate crop companies to accumulate capital, plantation workers' struggle against plantation companies started in the end of the 19th century and during early and middle of the 20th century. Plantation workers in Tegalondo, Klaten, and Surakarta for instance went on a strike as a result of the meagre



Tobacco company staff in Vorstenlanden was seen paying the wages to children who worked to catch caterpillar pests. Photo credit: Collection of Tropenmuseum

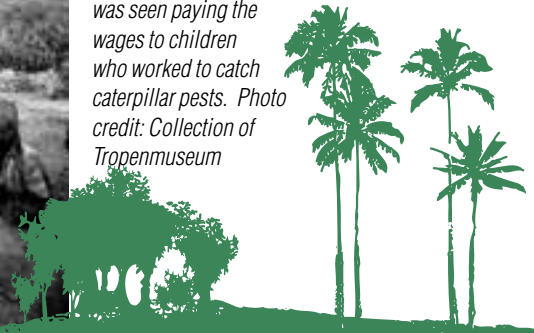
amount that plantation companies made to the farmers for renting their land. Workers were also paid indecent wages. During a strike in a plantation in Polanhardjo, Klaten in 1920, workers were only paid 30 cents each for 8 hours work instead of the demand for a twofold raise to 60 cents a day.

The companies grew canes between 14 to 18 months on the land they rented from farmers. Land tenancy contract stipulated that land could only be rented out for 2-6 months, after which farmers needed the land for growing rice. Any delay in meeting this stipulation meant additional rent payment. Most plantation companies paid very little for the rent and therefore farmers preferred

to use their land for cultivating food crops to meet their daily needs.

In addition, the 1870 Agrarian Law required farmers in Vorstenlanden to work on their own land to grow food crops and work in big plantations for export crops. The farm/plantation workers received wages which were very small and not proportionate with the working hours they have spent.

The 1870 Agrarian Law also revoked the entitlement of heads of villages (*bekel*), tax collectors and farm workers superintendents to ap-panage (*tanah lungguh*). The *bekels* were only entitled for pension land or *bumi pituwas*. The *bekels* were later replaced by village or urban



village administration staff in the colonial institutional structure. Not all bekels could be re-elected to become the village administration officials.

Those who were appointed become village officials were entitled to a control over wide areas of land and tax exemption. However, not many bekels were reassigned to take office as village officials. Those who were not reassigned showed resentment against the plantation companies, which eventually led to agrarian conflicts in the 1920s and the 1940s. The former *bekels* organised general assemblies (*vergadering*) in villages in Surakarta and put fire on sugar cane plantations.

foreign investments to operate freely in Java and outside of Java. On the contrary, little was done to protect the rights of the Indonesian people. The situation was exacerbated by the kings and sultans in and outside of Java, who were lured to grant extensive concession to foreign investors.

Ir. van Kol, who once served as a Dutch East Indies official, criticised the colonial government as well as the sultans for such misfortune.



Tobacco grown in Vorstenlanden.

Photo credit: Collection of Tropenmuseum



The 1870 Agrarian Law also forced the sultans in the East Coast of Sumatra to sell hundreds of thousands of land to big plantation companies in East Sumatra at the end of the 19th century and at the beginning of the 20th century. The Sultans were ignorant of their people, who suffered from land scarcity. As a result, prolonged conflict followed since all land was grown with export crops while food was imported from Burma and Siam. The people's resentment had led to the killings of the members of the aristocracy in East Sumatra through the Social Revolution that erupted in the 1945s, long after the prolonged resentment against the sultans.

The 1870 Agrarian Law allowed

Female workers working in tobacco drying warehouses in Vorstenlanden. Photo credit: Collection of Tropenmuseum



Local government officials and Dutch East Indies military officials. Photo credit: Collection of Tropenmuseum



“Wealth exploitation in Java by the government and later by private investors has made the region suffer and depleted of resources. The Dutch government should take the blame. But you all the people’s representatives are also responsible for this malady.” (Ir. van Koll)



*East Sumatra Sultanate
dignitaries. Photo credit:
Collection of Tropenmuseum*

During the Japanese occupation in 1942-1945, the Indonesian people were required to help grow food crops to strengthen Japan's military defence. People from agricultural background happily helped clear forest land and big plantations (*onder-neming*) in their longing for their land and craving for food and their deep resentment against the Dutch occupation and land grabbing. The Japanese invader took the opportunities of such resentment against Western capitalism and imperialism for their own benefit and to ensure people's

preference to them as the Eastern Imperialism. Tens of big plantations of thousands of hectares in size were converted into smallholder agricultural areas just in a blink of an eye. Plantation crops were converted into corn, cassava, cotton, and Jathropa as well as combination of food crops. The yields were used for funding the war and farmers had to refrain from harvesting the crops to meet their own need for food that they had long been craving for. This particular agrarian situation lasted until August 1945, when Indonesia announced its independence.

Indonesia's Proclamation of Independence on 17 August 1945. Sukarno read the proclamation text at Pegangsaan Timur, Jakarta. Photo credit: ANRI



The 1870 Agrarian Law was no longer in effect since 1945 after Indonesia's proclamation of independence.

1942

1945



Kenpeitai.
Kenpeitai soldiers in Indonesia.
Photo credit: Japanfocus.org

Almost all of the founders of the Indonesian nation believed that the 1870 Agrarian Law was not suitable for a nation that was fighting for its independence against occupation.

At their own initiatives and with the protection of the law, the Indonesian people started the land reform movement after the declaration of independence. In 1947, for instance, at the initiative of the head of the village Soemotirto, the people in Ngandagan village redistributed land by strengthening the traditional tenurial system.

Later in 1948, the people of Vorstenlanden, Yogyakarta and Surakarta, with the support of and referring to the Emergency Law No 13 year 1948 that promulgated that all land formerly controlled by around 40 Dutch sugar companies in Surakarta and Yogyakarta to be made available to Indonesian farmers. Land redistribution to the people followed after the passing of the Law Number 1/1958 concern-



Harvest of sugar cane. One of the sugar cane plantations in Vorstenlanden under the control of Dutch sugar company. Photo credit: Collection of Tropenmuseum

ing the revocation of all the rights to land formerly held by the private entities.

In the meantime, it took a long process for the formulation of the new Agrarian Law at the national level that was for the sake and interest of the Indonesian people. In 1948 the Presidential Decree Number 16 year 1948 appointed the Yogya Agrarian Committee for agrarian affairs. The Committee was established to develop the rationale and the recommendations for the formulation of the new agrarian law to replace the 1870 Agrarian Act. The deliberations on the development of agrarian law was imbued by the spirit that it should be based on and inspired by the people and their lives. The Yogya Agrarian Committed had to stop its work due to the Dutch military aggression and the move of the Indonesian capital city to Jakarta.

As described above, the intent of the Dutch colonial government was very evident in its agrarian politics and moreover in its actions during the colonialisation and military aggressions. The Dutch colonial government launched military aggressions under security pretext with the real reason of getting back the control over plantations. For the Dutch government, securing back the plantations, the onderneming and their capital were that really mattered.

The Dutch first military aggression was launched in July 1947 to the regions where the big plantations (onderneming) were in East Sumatra and the rest of the regions in Indonesia. The areas were the first



1949

target because plantation companies and their directors joined the Dutch army commanders' ride during the aggression. As a results, the aggression prioritised the occupation of the plantatitons and the arrangement for getting the factories to be operational again. It came to no surprise that the Dutch army was dubbed as the Onderneming Army.

The news about the reoccupation of the Dutch in the regions was soon followed by the increase in the plantation stock market in the Netherlands. The second target of the second operation by the Dutch military in December 1948 was the big plantation (onderneming) in Asahan, South Malang, and Kediri.



Round Table Conference. The situation during the Round Table Conference in Den Haag in August 1949. The Indonesian Delegation was chaired by Moh. Hatta Photo credit: Belajarsejarah.com

Later development has shown how agrarian affairs have been reduced to agricultural matters only while in fact various agrarian conflict and issues as well as claims of control of land by the people during the previous period took place in plantations. When the plantations (companies) were handed over to their former “owners of right to control” – in this case the Dutch, the subject matter concerning plantations was avoided and not strictly addressed in the Basic Agrarian Law. Things got worse during the nationalisation of plantations in 1957-58, which was basically the start of Indonesian military control of the plantations. With the control of the military, the Basic Agrarian Law 1960 only identified excess of maximum limit to land in rural areas as the object of land reform.

The handover of big plantations that were formerly occupied by the people back to their former owners of right to control – that is Dutch private capital owners – had shifted the object of the populist land reform to agricultural areas. When the agro-system of plantation constructs land reform issues within the vertical relation between the people and owners of private plantations (formerly facilitated by the state), the agro-system of agriculture constructs horizontal social conflict in the rural areas, which even involves massacre. This is a change in the national politics that affected very adversely to the lives of the people in the rural areas.

In 1951, the Jakarta Agrarian Committee was established that proposed three recommendations, as follows: First, it is deemed important to determine maximum and minimum areas of land ownership; second, land ownership for small farm purposes is exclusively for Indonesian citizen only, and third, recognition of the people’s right to land in compliance with the law.

1951



Tanda gambar. Symbols of political parties. Symbols of political parties participating in General Election in 1955. Photo credit: LIFE



The domein principle was replaced by the state's right to control over land and agricultural land areas were to be cultivated and exploited by their very own owners.

1955

After the General Election in 1955, the process for the development of the national Agrarian Law continued with the establishment of another agrarian committee chaired by Soewahjo Soemodilogo. The new committee produced a number of important points for the new Law, as follows: First, that the “state domain (domein)” principle to be abolished and replaced by the “state’s right to control”, which was in compliance with paragraph 3 of Article 38 of the Provisional Constitution of 1950; and secondly, agricultural land shall be cultivated and exploited by its very owner him/herself.

The Committee chaired by Soewahjo Soemodilogo was later

replaced by a Committee chaired by Soenarjo, who developed further the results of the deliberations into the Draft Basic Agrarian Law. On 24 April 1958, under the Soenarjo Committee, the government submitted the Draft Law to the parliament. President Sukarno was aware of the scientific nature of the agrarian issues and therefore asked the scholars of Gadjah Mada University to assist the government in finalising the Bill. A tripartite collaboration between the Ministry of Agrarian Affairs, ad hoc committee of the parliament, and Gadjah Mada University was therefore established to formulate the new Agrarian Law.

The urgency for Agrarian Reform was considered to be increasing. While the law on the reform of land tenure structure was being developed, a more urgent law that governed sharecropping was felt necessary. In April 1960, the Law Number 2/1960 on Sharecropping Agreement (UUPBH) was enacted and became a priority for enforcement as it was deemed to be the most realistic and fair measure, and easier to

implement compared with the land reform measure. Under the new Law, 60:40 share arrangement was proposed that benefited sharecropping farmers more. However, the proposal was considered too drastic to be introduced and therefore, although not explicitly indicated in the new Law, the basic arrangement was kept at 50:50. Dur-

ing harvest time, however, the government always tried to meet with the farmers to establish a realistic share arrangement that took into account the factors influencing the harvest: the weather, pest infestation, and so on. This was an indication of the local government’s concern on agricultural issues and the fact that farmers organisation did work.

On 1 August 21960 the draft Basic Agrarian Law Number 5 Year 1960 was officially submitted to the Parliament (DPR-GR) that changed the way land tenure and ownership were approached in comparison to those during the colonial period. Five months after the enactment of the UUPBH, on 24 September 1960 the new Basic Agrarian Law Number 5 of 1960 widely known as the Basic Agrarian Law (UUPA) was enacted and published in the

State Gazette.

The enactment of the UUPA was followed by the issuance of the Government Regulation in Lieu of Law Number 56 of 1960 that is known as the Land Reform Law; the Law Number 2 of 1960 on Sharecropping Agreement (UUPBH) to ensure the security of sharecropping farmers. The new Basic Agrarian Law does not only replace the old Agrarian Act of 1870 but is also a total change from the agrarian system established by Dutch colonial government.

The Law is not aimed to promote economic development although attention is given on this aspect. There are three basic principles of the new Basic Agrarian Law, as follows:

1. The Law abolishes the colonial agrarian system and replaces it with a national agrarian system that meets the interest of the state and Indonesian people, especially Indonesian farmers.
2. The Law eliminates the dualism in agrarian system and establishes the basis for uniformity of and simplicity in the agrarian law especially that is based on the customary (*adat*) law.
3. The Law provides legal certainty to the entire Indonesian people concerning the right to land

Painting on the Billboard. An artist was seen painting on a billboard for the New Basic Agrarian Law (UUPA) campaign in Jakarta.

Photo credit: Collection of Oei Hay Djoen/Fotohistoria

The DPR-GR Building.

The DPR-GR (Parliament) building in Jakarta occupying the former KUPAG building.

Photo credit: dpr-ri.go.id



The Basic Agrarian Law (UUPA), which is later widely known as the land reform law, starts with the belief that the state does not necessarily have to own any land but shall have the authority to the rights of control to and effective use of the land, water, and space

1960



within the state's territory. The right of every Indonesian citizen to land is recognised but free competition in the transfer and sale of land is prohibited. Land tenureship is based on the principles of the social function. The Law also emphasizes that the use and sale of land must be approved by the community who are represented by the city and village administrations.



During the official launch of the land reform, President Sukarno emphasized that land reform could not be separated from the Indonesian social revolution. It only meant that land reform would eliminate the status of landowners who run agrarian businesses by hiring farm workers. The land reform policy, on the other hand, was aimed at reducing the number of landless farm workers. It does not mean that landowners are deprived of their rights to their land; a process of registration was conducted to identify the excess of maximum ownership of land that these landowners could be entitled to and they were provided with compensation for the excess land. Land reform would also mean an increase in the production of food, which had been rare since the independence of Indonesia. In the Manifesto Politik [Political Manifesto], Sukarno mentions that agrarian revolution is central to the Indonesian revolution in building a socialist nation.

Land distribution was conducted in two stages. The first stage was in Java, Madura, Bali, and West Nusa Tenggara (Lombok and Sumbawa). The first stage included the

redistribution of the excess of the maximum limit of land and absentee land. By absentee land, it means the land whose owner did not live in the same area where the land was or in the neighbouring sub-district of the location of the land. Redistribution was also made of the former principedom (eks-wapraja) land and the state land. The first stage was planned to implemented at the latest early 1961. The first stage ended around end of 1963 and beginning of 1964. The second stage was planned to cover Sumatra, Kalimantan, Sulawesi, and other regions in Indonesia. Based on the 1st Five Year Development Plan (Repelita I) that was approved by the Provisional People's Consultative Assembly (MPRS) in December 1960, the entire processes of redistribution should be covered between 3 to 5 years.

For the implementation of the distribution and redistribution of land, Land Reform Committees were formed by means of a Presidential Decree No. 13 of 1961. The Committee were formed based on hierarchy. The national Committee was under the direct supervision of the President; provincial committees were under the supervision of their



President Sukarno.



***Farmer.** A farmer was herding ducks on a rice field dike.
Photo credit: LIFE*

respective governors; district committees were under the supervision of the head of districts; sub-district committees were under supervision of the head of sub-districts; and village committees were under the supervision of the village administrations.

It is very evident that the promotion of Agrarian Reform through the new Basic Agrarian Law was the nation's agenda. This agenda was supported by various farmer organisations/movements, intensively deliberated by the parliament that represented the nationalists, religious, communists, and wealth elements. It involved an ideology; the preparation of agrarian cadres from the national to the village levels (Land Reform Committees), Land Reform Court, Land reform financing, and research and data collection for the implementation. Scholar discussions were held through seminars in universities, which indicated the theoretical support of the scholars.

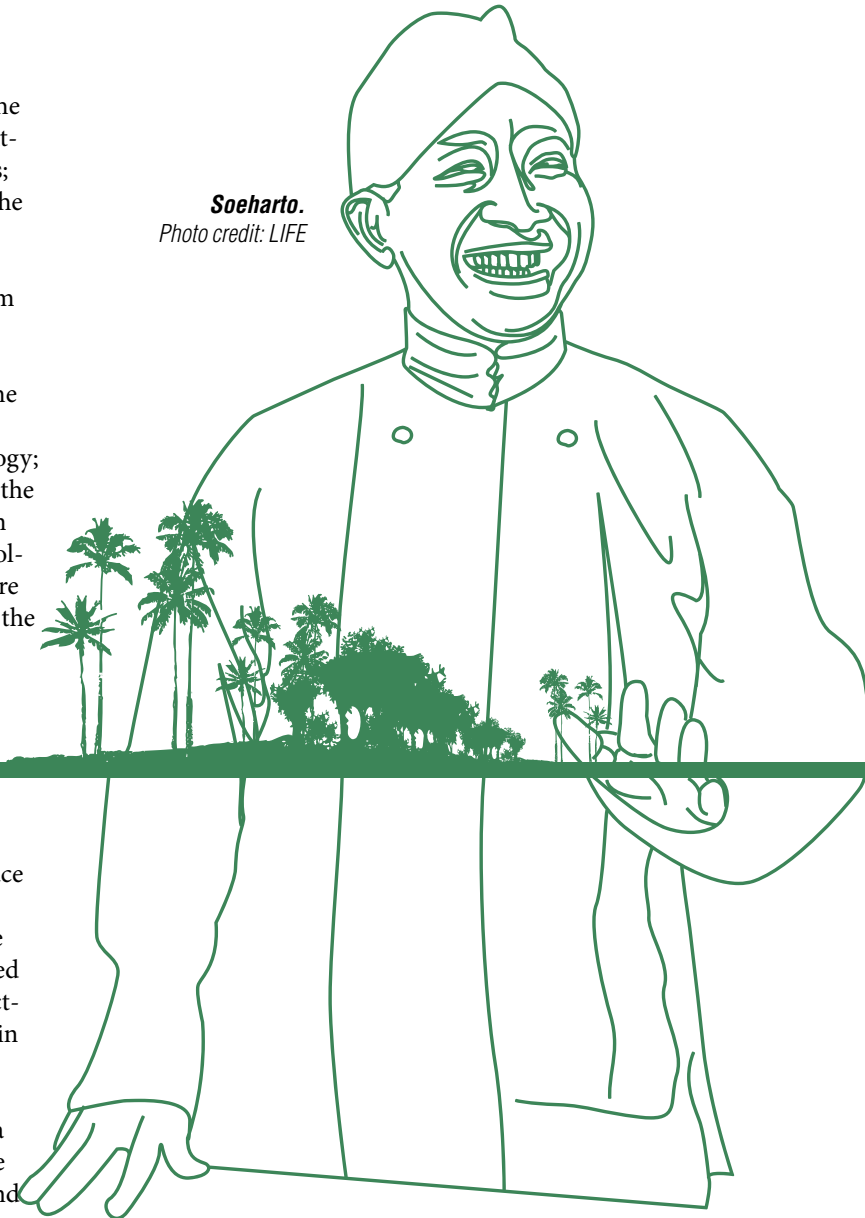
1962

The dramatic changes in land tenurial structure or the land reform through the redistribution of land took place between 1962 and 1965. It was expected that 966,150 hectares of land were allocated. However, data from the local committees indicated that the total land distributed and redistributed during the first stage was 337,455 hectares with 3 million landless sharecroppers beneficiaries in Java, Madura, and Bali.

Land redistribution did not go well as expected due to a many various reasons. Among the various reasons were insufficient data on the subject of redistribution and land object and the land reform committees' slow implementation at the field level despite the urgent and offensive demands of the farmer movements. In the meantime, land owners unilaterally tried to avoid land distribution, which was in violation of the regulation. On the other hand, sharecropping farmers organised movements to unilaterally occupy and take hold of the land while destroying the crops and distribute the land among them-

Soeharto.

Photo credit: LIFE



selves. Bloody conflict was inevitable.

In response to this, on 12 December 1964, President Sukarno summoned all political parties to discuss the emerging issues related with the conflicts at the village level. The meeting was held to respond to the various conflict in the rural areas. It resulted in an agreement called the Bogor Declaration that appealed all parties concerned to refrain themselves from adding to the dissensions. Despite the declaration at the national level, incidences of fights happened in a number of regions. Three farmers were shot dead by the police in Ketaon of Boyolali District, Central Java and an incidence involving fighting to get a portion of land took place in Banyuwangi in early 1965.

1965-68

Arrest of PKI members. *The arrest of PKI members/sympathisers after the 30 September 1965 (G30S) movement.*
Photo credit: LIFE



After the 30 September 1965 (G30S) rebellion, most PKI members and sympathisers were massacred or put to prison, including thousands of members of *Barisan Tani Indonesia* (BTI) peasant organisation or those who were suspected of having an affiliation with or being the sympathisers of PKI. Land reform began to be seen as the agenda of the Indonesian Communist Party (Partai Komunis Indonesia/PKI), instead of the agenda of the na-

tion, and should be stopped.

Some landlords tried to demand their land back and many of them were supported by the military or the local authorities. In 1966 and 1967, the land redistribution program was terminated. Out of the 200,000 hectares of land that were planned to be redistributed, only 33,460 hectares or 17% were actually redistributed. During 1966 and 1967, a total of 150,000 hectares of land were estimated to fall illegally under the control of former land owners or other third party, in many cases the military. In addition, many cases had shown that land plots were left untended and abandoned after the new owners were killed.



Shooting. Soeharto and Tien his wife aimed to shoot their guns while their youngest child, Tommy Suharto, covers his ears.
Photo credit: LIFE



The 1970s

Although still in effect, after the New Order regime took power and enacted the Law on Foreign Capital Investment No. 1 of 1967, the Basic Agrarian Law was basically not enforced.

Gradually, the Basic Agrarian Law and land reform were systematically ignored by the New Order regime, at least since 1968 after the enactment of the Law on Foreign Capital Investment. On the same year, the Law on Basic Forestry Regulations and the Law on the Basic Mining Regulations were also passed.

Rice Huller. Soeharto and Tien his wife tried to operate a new rice huller machine. Photo credit: Penjuluh Landreform & Agraria



by women, to the sickle, a larger tool employed by men, and the use of hulling machine which replaced the process of hand pounding performed by women.

The New Order regime considered land reform and the Basic Agrarian Law not suitable with the stability of development and foreign investment, which demanded massive tracts of land. As a result, the Basic Agrarian Law was kept on ice and the forestry sector (forest concession and plantations) was given priority rather than agriculture. In the meantime, the Indonesia Logistics Bureau (Bulog) became the biggest official importer of rice.

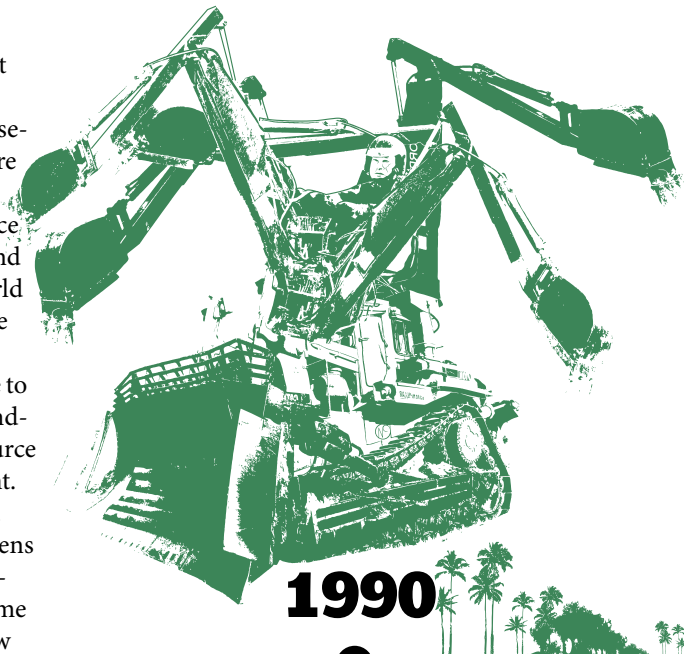
During 1973-1974, land conflicts began to develop in Java and Sumatra as farmers become unemployed and landless as a result of the technologies that green revolution had brought to replace them. These farmers alternatively depended on the forest for their livelihoods and at the same time the State Forestry Company Perhutani III of West Java and Banten began to operate in the regions and collected taxes from these farmers who became forest gatherers.

To address the disputes, a team was established to research into the disputes. The results led to the decision to use the Basic Agrarian Law No. 5 of 1960 as the official basic reference for solving land issues.

In 1979, a National Agrarian Committee was formed by the Ministry of Agriculture to coordinate the enforcement of land regulations. The Committee consisted of government elements such as the Directorate General of Agrarian Affairs as the secretary while the Indonesian Farmers Solidarity Association (Himpunan Kerukunan Tani Indonesia/ HKTI) was the only non-government element in the committee. Former committees that had been established to promote the agrarian reform such as the Land Reform Committees, the Land Reform Courts, and the Village Land Survey Committees were abolished. With the abolishment, agrarian issues were left in the hands of the bureaucracy while landless sharecroppers

were alienated from land affairs.

The short cut to development that the New Order took was highly depending on foreign loans. Consequently, development models were very much shaped by the foreign institutions that became the source of finance for Indonesia. At the end of the 1980s for instance, the World Bank forced for the project for the construction of Kedung Ombo Dam, which was aimed to be able to provide irrigation for the surrounding rice fields and serve as the source of electricity from the power plant. The construction of the Dam had caused thousands of people and tens of villages to be evicted and involuntarily resettled. The Dam became the symbol of prestige for the New



Order. When the New Order regime collapsed, the dam was abandoned and gradually left to dry. Some time ago, some of the evicted villagers from Kedung Ombo areas visited the Dam. They really felt the irony of the situation and how people had been evicted, involuntarily resettled and provided with indecent compensation. The Kedung Ombo case characterised the regime that not only treated land as mere commodity but also alienated farmers and sharecroppers from their very own land.

Since 1968 when the New Order began to take power, land and agrarian issues were reduced to be managed under the Directorate General of Agrarian Affairs within the bureaucracy of the Ministry of Home Affairs. It was only in 1988 that the directorate general became an independent agency, the National Land Agency (*Badan Pertanahan Nasional/BPN*). BPN has since attempted to redistribute land, especially tracts of land that have been under the state's control. Land certification has also become BPN's special authority to ensure land owners to be able to access the market.

1999

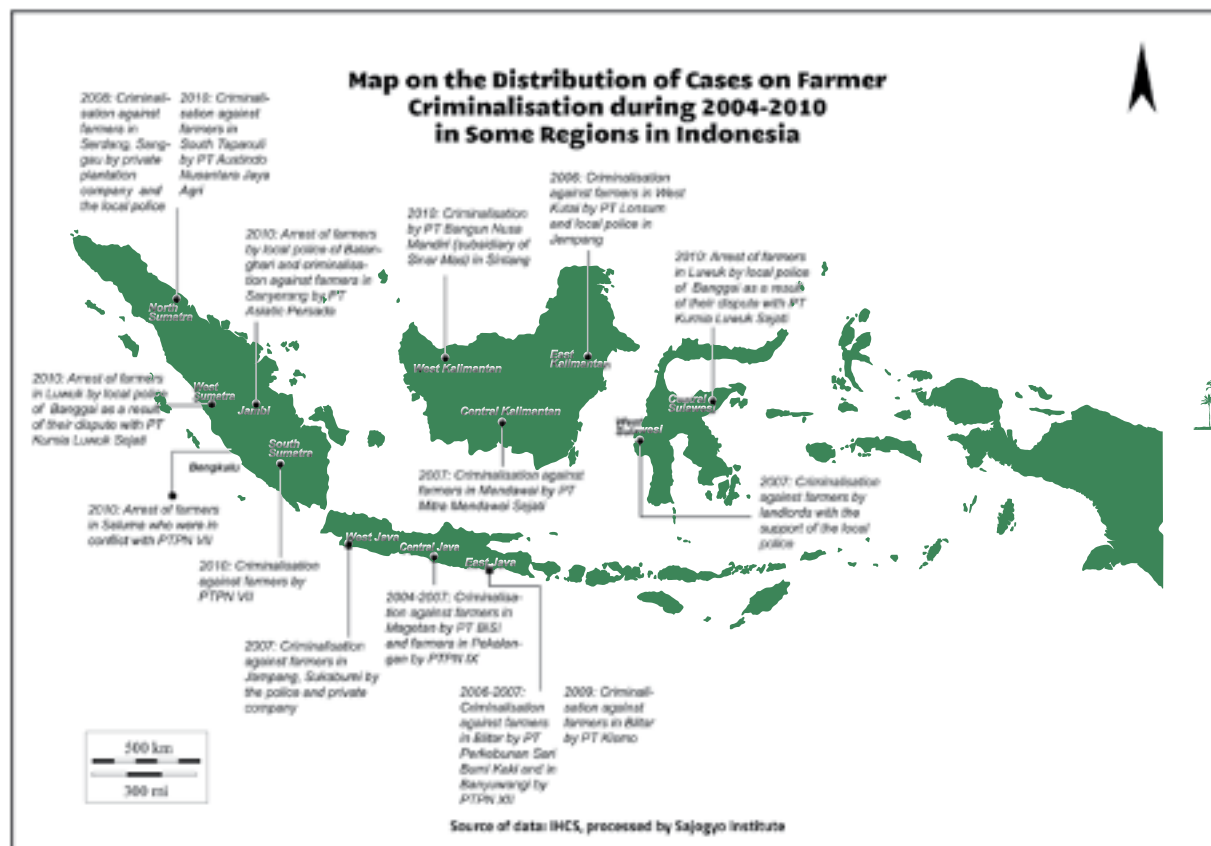


**Map on the Distribution of Agrarian Cases
in Indonesia by Island until 2007**



Source of data: KPA 2006. Processed by Sajogyo Institute 2010







2010

Yusniar. *Yusniar is a woman farmer from Koto Cengar village of Kuantan Mudik sub-district of Kuantan Singigi district (Kuansing), Riau who was shot dead by the Mobile Brigade of Kuansing Resort on 8 June 2010. The shooting took place following a land dispute between farmers and PT Tribakti Sari Mas, an oilpalm plantation company*



AGRARIAN POLICY 2011–2017

The top section of the page features a horizontal band with a light green background. On the left, there is a row of silhouettes of people of various ages and ethnicities. On the right, there is a silhouette of a tropical island with several palm trees. The year '2011' is printed in large, bold, black font, centered between the silhouettes. Below the year, there is a small black circle.

2011

Judicial Review of Law No. 27/2007 concerning Management of Coastal Areas and Small Islands (PWP-PPK)

On Thursday, June 16, 2011 a Constitutional Court (MK) decision was made through Decision Number 3/PUU-VIII/2010. The content of the Constitutional Court's decision was to grant the request of the Coalition to Reject Coastal Water Concession Rights (HP-3) and the annulment of HP3 provisions. The Constitutional Court's decision was made in the context of a lawsuit for Judicial Review Law No. 27/2007 concerning PWP-PPK with the main subject of the lawsuit related to Coastal Water Concession Rights (HP-3). The filing of a lawsuit for Judicial Review was conducted on January 13, 2010 by 9 Civil Society organizations and 27 leaders of fishing organizations.

The Petitioners of Judicial Review of Law No. 27/2007 concerning PWP-PPK, among others; the People's Coalition for Fisheries Justice (KIARA), Indonesian Human Right Committee for Social Justice (IHCS), Center for Maritime and Maritime

Civil Development Studies (PK2PM), Consortium for Agrarian Reform (KPA), Indonesian Peasant Union (SPI), Bina Desa Foundation, Indonesian Legal Aid Foundation (YLBI), Wahana Lingkungan Hidup (Walhi), and Indonesian Peasant Alliance (API). They joined a Coalition in order to Reject HP3.

In general, HP3 served as the entry point and strong basis for private sectors and the government to control and utilize the agrarian resources of coastal and small islands. Operationally, HP3 was carried out by utilizing coastal agrarian resources and small islands, including the sea level and the water column to the surface of the sea floor. The period of HP3 may be granted cumulatively for 60 years, and accompanied by the ability to switch, be diverted and used as collateral for debt with a liability being charged. With this general description, HP-3 constituted a form of privatization and commercialization by exploiting agrarian sources of coastal and small islands.

The HP-3 content was very potential to threaten and injure the guarantee of the principle that agrarian resources are to be uti-



lized as much as possible for the prosperity of the people. This can be seen in the following: first, the absence of the provisions of coastal communities, including coastal customary law communities in the framework of drafting zoning plans for coastal areas and small islands. The implementation of HP-3 refers to zoning plans for coastal areas and small islands.

Secondly, the simple use of compensation mechanisms for coastal communities who have lost their access to agrarian sources and small islands in relation to the provision of HP-3. This matter would lead to simplification, solely in economic compensation with regards to every socio-cultural, economic and political loss suffered by coastal communities. The real consequence of HP-3 was that coastal communities were to be eliminated far from the agrarian sources of coastal and small islands.

Given that, HP3 has the character of exclusion and tends to impoverish, it is contrary to the principle of agrarian resources utilization for the prosperity of the people. The use of agra-

rian resources in Indonesia has a principle of “.....used as much as possible for the prosperity of the people” which has a benchmark with the assessment of the Constitutional Court. These benchmarks are on: (1) The utilization of natural resources for the people; (2) Level of equity in the benefits of natural resources for the people; (3) Level of people’s participation in determining the benefits of natural resources and (4) the respect for the rights of the people for generations in utilizing natural resources. (Amir Mahmud)



Law No. 2 of 2012 concerning Land Procurement for Development in the Public Interest

Law No. 2 of 2012 concerning Land Procurement for Development in the Public Interest contributes changes for various regulations concerning land acquisition in Indonesia. This regulation is inseparable from efforts to accelerate development carried out by the government, whether carried out by independent government agencies or developments with private cooperation schemes or known as public-private partnership.

In accordance with Article 59 of Law 2/2012, the Government stipulates Presidential Regulation 71/2012 concerning the Implementation of Land Procurement for Development in the Public Interest. However, this Perpres has been amended four times, namely Presidential Regulation 40/2014, Presidential Regulation 99/2014, Presidential Regulation 30/2015, and the last, Presidential Regulation 148/2015. Perpres 71/2012 and Perpres 40/2014 are one regulation, not two different regula-

tions. This Presidential Regulation is referred to as the Presidential Regulation on Land Procurement.

On December 28, 2015, President Jokowi signed Presidential Regulation Number 148 of 2015 concerning the Fourth Amendment to Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Procurement for Development in the Public Interest.

The government indicated that the issuance of this regulation was considered as an acceleration and effectiveness of the implementation of land acquisition for development in the public interest.

In relation to the preparation stage for land acquisition, for example, in Perpres 71 of 2012, within the process of preparing land acquisition, the governor must form a preparation team within ten days after receiving the land acquisition plan, in Article 8 Paragraph 2 of the new Perpres, the time is shortened by two remaining days.



In addition to shortness of time, in the revision of the Perpres, the government also shortens the time for procurement of infrastructure land by increasing the amount of land which can be handled directly, by government agencies requiring a land.

This regulation immediately raised new problems in the land acquisition process experienced by the DKI Jakarta Provincial Government. The unfinished land acquisition case for Sumber Waras Health Foundation (YKSW), DKI Jakarta Provincial Government again stumbled upon a land issue in Cengkareng. If the land acquisition of YKSW was estimated to cause state losses of Rp. 173 billion, in Cengkareng then the state losses would reach around Rp. 600 billion.

The root of the problem of this case was because many state administrators, including in DKI Jakarta Provincial Government, did not understand the provisions of land acquisition for the public interest. As a result, a polemic arose regarding the legality of the purchase of the land.

In the case of YKSW land, there was a debate on the legal basis for land acquisition, whether based on Presidential Regulation No. 71 of 2012 or Presidential Regulation No. 40 of 2014. The debate arises because of the erroneous perception that the Perpres were two different perpres.

There were various implementations and regulations which caused problems in terms of land acquisition for infrastructure development such as, toll roads, airports, reservoirs, and power plants, all of which causing agrarian conflicts.

The Constitutional Court decision No. 35/PUU-X/2012 concerning Customary Forests (2012)

In 2013, the Constitutional Court of the Republic of Indonesia read out the decision of the Judicial Review on Law 41/1999 on Forestry as submitted by the Alliance of Indigenous Peoples of the Archipelago (AMAN) together with 2 (two) indigenous communities. In decision No. 35/PUU-X/2012, the Constitu-



tional Court emphasized that Customary Forests are Forests that are in indigenous territories, and no longer State Forests.

The Constitutional Court's decision with the 2012 number was welcomed by indigenous peoples throughout Indonesia. They welcomed the Decision by simultaneously installing signposts in indigenous territories. The sign says "Customary forests are no longer State forests. Indigenous peoples will take into account Constitutional Court Decision No. 35/PUU-X/2012 concerning Customary Forests".

In addition, they also began a movement to rehabilitate indigenous territories which had been damaged by the activities of companies holding permit, issued by the State.

This decision was a historical momentum in which the State finally recognized the constitutional rights of indigenous peoples throughout the archipelago.

However, over the time, the victory, which had become a hopeful starting point for indigenous peoples to re-establish the

constitutional rights in the form of State recognition of their territory, has not been granted.



2013

Law Number 19 of 2013 concerning Farmer Protection and Empowerment (Perlinter)

In 2013, the Indonesian House of Representatives (DPR-RI) ratified Law No. 19 of 2013 concerning Protection and Empowerment of Farmers (Perlinter).

In its general explanation, it is stated that the Law is intended to present regulations on farmer protection and agricultural land that have not been accommodated comprehensively, systematically and holistically, so as not to guarantee legal certainty and justice for Farmers and Business Actors in the Agriculture sector.

Whereas Farmers are faced with the tendency of climate change, vulnerability to natural disasters and business risks, global globalization and economic turmoil, as well as a market system that does not favor them.

The existing laws have been considered to continue to become partial and have not been duly regulated, not firm and incomplete for supporting the Protection and Empowerment efforts.

Said that, this Law received numerous criticism from civil society. On 7 November 2013, a number of civil society organizations included the Consortium for Agrarian Reform (KPA), Indonesian Human Rights Committee for Social Justice (IHCS), Indonesian Peasant Union (SPI), Farmer Initiatives for Ecological Livelihoods and Democracy (FIELD), Indonesian Peasant Alliance (API), People's Coalition for Fisheries Justice (KI-ARA), Sadajiwa Village Development Foundation (Bina Desa), Indonesia for Global Justice (IGJ), People's Coalition for Food Sovereignty (KRKP), Sawit Watch Association, Indonesian Forum for the Environment (Walhi), and The Commission for Disappeared and Victims of Violence (Kontras) filed a judicial review of the Law with Case Number 87/PUU-XI/2013.

The norms reviewed were, Article 59, Article 70 paragraph (1), and Article 71 paragraph (1). The context and substance of



this Law are considered to be incompatible to its names. This Law even regulated a large capital strength development model agenda which will marginalize small farmers.

Law No. 18 of 2003 concerning Prevention and Eradication of Forest Destruction (UU P3H)

Since it was set in 2013, Law No. 18/2003 concerning Prevention and Eradication of Forest Destruction (P3H Law) continues to reap criticism because it is considered a trap for farmers and communities, living in the area and the edge of the forest.

This concern was proven where the implementation of this Law had effectively done more harm for farmers living in forest areas. There have been many cases of criminalization of farmers and people living around the forest area after the issuance of this law. Until 2014, the Anti-Mafia Forest Coalition comprising several civil society organizations, recorded 53 people who had been ensnared by the P3H Law, 43 of whom were convicted with

18 months of imprisonment.

In the end of 2017, the Consortium for Agrarian Reform noted that there were 26 citizens who experienced criminalization due to the implementation of the Law. Such matter has risen because of the state's obligation to clarify the boundaries of forest areas, matter of which has never been conducted.

In the beginning of this law implementation, a number of civil society organizations, whose members of the Anti-Mafia Forest Coalition comprising the Indonesian Forum for the Environment (WALHI), The Alliance of Indigenous Peoples of the Archipelago (AMAN), the HuMa Association, Consortium for Agrarian Reform (KPA), Institute for Policy Research and Advocacy (ELSAM), SAWIT WATCH, Epistema Institute, Indonesia Corruption Watch (ICW), AURIGA, and the Public Interest Lawyer Network (PILNET), have submitted a judicial review to the Constitutional Court (MK), but then rejected on the grounds that there were no cases.



2014

Birth of Law No. 6 of 2014 concerning Villages

The year 2014 was marked by the birth of Law No. 6/2014 concerning Villages. The law was ratified on January 5, 2014 as expected to encourage rural transformation and empowerment of rural communities and indigenous peoples in the implementation of agrarian reform. The institutional position in the village, both the village government, financial institutions and customary community institutions should be used as determinant actors to build villages.

In this Law, it is stated that the Rural area is an area that has the main agricultural activities, including the management of natural resources with the arrangement of the function of the area as a place of rural settlement, government services, social services, and economic activities.

The birth of this law contained both opportunities and challenges for territorial-based agrarian movements. The challenge for

the agrarian issue was quite large considering that this law only provides a little space in terms of agrarian issues, particularly on the democratization of agrarian resources. In addition, the issue of village democratization has become one of the central issues in this Law.

Law No. 1 of 2014 concerning Amendments to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands.

There are at least six basic ideas for the establishment of this Law as a revision of Law No. 27 of 2007 on Management of Coastal Areas and Small Islands.

First, the vulnerability of coastal areas and small islands to damage due to natural disasters and the utilization of Indonesia's natural wealth. Second, the accumulation of exploitation activities of the natural resources of the coast and small islands



without taking the sustainability into account.

Third, the absence of laws and regulations that are oriented to the preservation of the wealth of coastal and small islands. Fourth, the lack of awareness of the strategic value of managing coastal areas and small islands in a sustainable, integrated and community-based manner.

Fifth, there is no appreciation of the rights of indigenous/local communities in the management of coastal resources and small islands. Sixth, the limited space for public participation indicating that the resource management system has not been integrated with development activities.

In Law No.1/2014 as many as 17 articles in Law No.27/2007 were amended partially of all and 7 new articles were added.

National Conference on Agrarian Reform: Birth of White Paper for Agrarian Reform 2014

On September 22-23, 2014, in Jakarta, 37 civil society organizations organized the National Conference on Agrarian Reform with the theme on “Agrarian Reform to Realize National Independence”. This conference produced a manuscript which was later termed “the White Book of Agrarian Reform” and “KNRA Resolution”, submitted directly to the new government led by President Joko Widodo and Vice President, Jusuf Kalla.

The aim of the KNRA was to fill the substance and operational strategy for the implementation of agrarian reform that it may be run by the elected government. In particular, the purpose of KNRA was: (1) to consolidate and strengthen ideas about the importance of implementing agrarian reform and for the renewal of natural resource management in Indonesia; (2) to formulate comprehensive and applicable substance on how to develop mechanisms and institutions implementing agrarian



reform in all sectors: (3) to submit conceptions and operational strategies for the implementation of agrarian reform to the new government led by the elected President of the Republic of Indonesia in 2014.

The conference was preceded by a series of focused discussions attended by a number of experts, namely academics, public officials, and social movement activists, who have been engaged in agrarian and natural resource management issues in Indonesia through nine focused discussions throughout August - September 2014. The focused discussion was discussing specific topics according to the topics that were part of the substance of this conference, then drafted the manuscript chapters to be discussed and refined in the "Preparatory Workshop on KNRA: Agrarian Reform to Realize National Independence" in Jakarta, September 17-18 2014. Through this workshop, a small team was then formed perfecting the text into books and subsequently being discussed, enriched, deepened, and sharpened during the Conference.

Joint Regulation of Four Ministers 79 Year 2014 on Procedures for Settlement of Land Acquisition Within the Forest Area

On 17 October 2014, Four Ministers consisting of the Minister of Home Affairs, the Minister of Public Works, the Minister of Forestry and the Head of the BPN issued a joint regulation on the Procedures for Settling Land Tenure in Forest Areas. Many civil society groups were hoping that this regulation may solve people's problems in the forest area. This was caused by farmers and indigenous peoples who have claims or other evidence of ownership, have control and management of land within forest areas and are a source of conflict but now have the opportunity to register. Therefore, their rights/claims may be recognized and approved by the government.

However, this joint regulation also includes a number of challenges, including the recognition of the status of indigenous peoples and the generalization of the position of farmers/indig-



enous peoples with other groups of applicants (individuals and government) in filing claims/rights.

In addition, the Joint regulation of Four ministers has several obstacles, which delays their implementation. Several things becoming obstacles, including: (1) Local Government, ATR/BPN ranks, KLHK is reluctant to form and carry out duties as an IP4T Team engaging in unravel the existing agrarian conflicts; (2) The Ministry of Environment and Forestry is not willing to take part in the process in the IP4T Team; (3) the Ministry of ATR/BPN and the Ministry of Home Affairs fail to prioritize areas that have previously been definitive, residential areas and public facilities; (4) The lack of readiness from the community and bureaucracy in the implementation which results in the growing of free riders.

The Constitutional Court's Decision on the Judicial Review of the Law on Protection and Empowerment of Farmers

One victory was achieved by the civil society movement in fighting for the constitutional rights of farmers. The Indonesian Constitutional Court (MK) finally granted the petition for judicial review of Law No. 19/2013 concerning Protection and Empowerment of Farmers in the Plenary Session of the Constitutional Court with Case Number: 87/PUU-XI/2013 which was filed by the Farmers' Rights Advocacy Team. In its verdict on November 5, 2014, the MK granted some requests stating that; the term "lease rights" in Article 59 of the Convention against the Law is contrary to the 1945 Laws and Regulations. The phrase "lease rights" in article 59 has no binding legal authority.

The grant of civil society lawsuit against this Law has become a breath of a fresh air for farmers position and status before the law. In addition, the law also provides guarantees to farmers to



2015

obtain free land allocated or designated at a maximum of 2 hectares of agricultural land, including the government's obligation to provide capital loans to farmers.

Judicial Review of the Constitutional Court (MK) on the Material of Law No. 39 Year 2014 on Plantation.

MK Decision 138/PUU-XII/2015 marks the victory of farmers and indigenous peoples in obtaining their rights. This decision was a response to civil society's insistence on several articles in Law No. 39 of 2014 concerning Plantations, including Article 27, Article 29, Article 30, Article 42, Article 55 and Article 107. Some of these claims were granted by the Constitutional Court. As a consequence of the Constitutional Court's decision, small farmers can cultivate seeds without being threatened by criminalization, as experienced by Kuncoro, which was arrested on charges of falsification of company seeds, seed breeding from Kediri, East Java. However, the seeds were apparently the result of cultivation that he did by himself.

This decision also has a positive impact on the existence of indigenous peoples who are free from the threat of criminaliza-



2016

tion when carrying out plantation activities on ulayat lands. Previously, the Constitutional Court Decision, article 55 of the Law had the potential to criminalize members of the customary law community.

In the context of licensing, this Constitutional Court decision also confirms that every plantation business is required to have a location permit and an HGU in order to be able to operate at a location. Prior to the Constitutional Court's decision, the Plantation Law stated that a plantation company could run its business if it had held a location permit and/or HGU.

Law No. 7 of 2016 concerning Protection and Empowerment of Fishermen, Fish Raisers and Salt Farmers

Through the XXI DPR-RI plenary meeting of 2015-2016 on March 15, 2016, the Indonesian people re-created a new history in the context of the protection of fishermen and salt farmers with the birth of the Ministry of Fisheries, Fish Raisers and Salt Farmers Protection and Empowerment Law that has long been fought for by the Ministry Maritime Affairs and Fisheries (KKP) along with stakeholders.

In substance, the Law mandates the Government to fulfill the rights of fishermen, covering from protection of capture areas, certainty of fish farmers and fish raisers, elimination of high-cost economic practices, business continuity guarantees and so on. This law is oriented to solve the real problems and conditions faced by fishermen and coastal communities.



In the midst of lacking of regeneration of fishermen and farmers due to no guarantee of business continuity and prosperity, the momentum of ratification of this law is expected to be the starting point for the sustainability of regeneration.

In addition, this law is present amidst the commitment of the Indonesian government to make maritime developments as one of the national priorities in accordance with the vision of the Indonesian government's maritime axis stated in nawacita.

Joko Widodo – Jusuf Kalla Nawacita on Agrarian Reform (2016)

The elected President and Vice President, Joko Widodo and Jusuf Kalla declared their work program named Nawacita, immediately after they were elected in 2014. From the nine work programs, there was an agrarian reform agenda, stated in the 5th point.

The inclusion of the agrarian reform agenda into the elected

government work program is inseparable from the demands and pressures of civil society that have consistently been voiced out since the beginning of the reform.

The agrarian reform agenda is outlined in the National Medium Term Development Plan (RPJMN) which is divided into 9 million hectares of land redistribution and management access over a 12.7 million hectare forest through a social forestry program.

In addition, the government also formed the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency of the Republic of Indonesia, the Ministry of Villages for the Development of Disadvantaged Areas and Transmigration and also joined the Ministry of Environment and the Ministry of Forestry in one ministry to facilitate acceleration and link them at the ministry level.

The policy concerning this institution is considered as a step forward by the civil society as known that in the implementa-



tion process, it will support the agrarian reform agenda.

To accelerate its implementation, in 2016, President Joko Widodo signed Presidential Regulation No. 45 of 2016 concerning Government Work Plans for 2017. In the Regulation, agrarian reform is affirmed to be one of the national priorities in the development of Indonesia. As an effort to realize equitable development and prosperity, the government has formulated several priority programs, including strengthening the regulatory framework and resolving agrarian conflicts, arrangement of ownership and ownership referred to as Land of Agrarian Reform Objects (TORA), legal certainty and legalization of land rights, community empowerment in its use, utilization and production as well as institutional implementation of agrarian reform at the central and regional levels.

Determination of TORA comes from unlicensed land of 3.9 million hectares of land, 4.1 million hectares of forest area released and 1 million hectares of land abandoned to be gradually distributed until 2019.

Through the certification mechanism, rights lands that have not been certified, will be certified. Then, the abandoned lands identified as TORA are targeted to cover 1 million hectares from the land of HGU release, ex-HGU, the mechanism for determining and the community's smallholdings around the plantation.

In the forest area, based on data from the Director General of Forestry Planning and Environmental Management, there are 4.4 million hectares identified by the Ministry of Environment and Forestry (LHK) as TORA in all provinces. In terms of criteria, it is divided into two types of TORA, namely forest areas that have not been controlled by the community and forest areas that have been controlled by the community. Meanwhile, for forest areas having been controlled by the community will cover community plantation lands from the allocation of 20% HGU.

The establishment of agrarian reform as a national priority through the 2017 RKP should mark the year 2017 as a milestone for the implementation of the map ahead of agrarian reform. By becoming a national priority, the civil society hopes the



Presidential Regulation on Agrarian Reform (Perpres RA) as a follow-up to the policy is immediately signed, and followed by an authoritative body, implementing agrarian reform.

However, approaching the third year of his leadership, Jokowi did not realize this hope. As a way out, in the same year, the Minister of Economic Affairs Coordinator, Darmin Nasution issued a Regulation Coordinating Minister for the Economy No. 73 of 2017 concerning the Agrarian Reform Team in response to the insistence on the establishment of an agrarian reform implementing agency that various civil society groups continued to encourage.

The team is tasked with accelerating agrarian reform involving several relevant institutions and ministries, such as the Presidential Staff Office (KSP), the Ministry of ATR/BPN, the Ministry of LHK, and the Ministry of Villages and Development of Disadvantaged Regions and Transmigration.

Given that it contributed only slight development, the civil soci-

ety considered that the government had not solved the problem and was considered as conducting far from their expectation.

In terms of regulation, there are still many weaknesses. In terms of the implementation of the Jokowi government agrarian reform, it is considered that it had been implemented ineffectively. Even KPA directly criticized the TORA program because it was considered not to reflect genuine principles of agrarian reform.

TORA is considered not being able to reduce the inequality of ownership and land ownership and to resolve agrarian conflicts. The reason, the determination of the subject and object is not based on the conditions in the field (based on people's proposals) thus it is potentially misdirected.

As input and criticism, KPA proposed the Location of Priority Agrarian Reform (LPRA) in response to the confusion of the implementation of agrarian reform that is being carried out by the government. LPRA is different from TORA because its determination is a direct proposal from the community and is in



an area facing an agrarian conflict. In principle, LPRA is an area of agrarian conflict having fulfilled the requirements of true agrarian reform. This KPA step was also carried out by the Indonesian Farmers' Union (SPI) and the The Alliance of Indigenous Peoples of the Archipelago (AMAN).

Responding to various stagnation in the implementation of the Jokowi government agrarian reform, on October 25, 2017 in Jakarta, around 53 civil society organizations and peasant unions under the covering of the National Agrarian Reform Committee (KNPA) specifically issued a statement of attitudes in response to the situation. There were five demands delivered at that time, namely; (1) TORA deviations from the objectives of Agrarian Reform; (2) The absence of an authoritative institution that is ad-hoc; (3) The absence of Presidential regulation on Agrarian Reform as the basis for agrarian reform regulation and the birth of regulations that are contrary to the spirit of agrarian reform; (4) There is no special budget that guarantees the implementation of agrarian reform; and (5) The poor resolution of agrarian conflicts which is marked by a high number of eruptions of

conflict and criminalization of the people.

Minister of Environment and Forestry Regulation P.83/2016 on Social Forestry

On October 16, 2016, the Minister of Environment and Forestry, Siti Nurbaya signed the Minister of Environment and Forestry Regulation 83/2016 concerning Social Forestry (PS). Social forestry is a sustainable forest management system implemented in state forest areas or customary forest/forest rights carried out by local communities or customary law communities, as the main actors to improve their welfare, environmental balance and socio-cultural dynamics in the form of: Village Forests, Community Forests, Community Plantation Forest, Community Forest, Customary Forest and Forestry Partnership.

In its implementation, the government claimed that the PS was under the covering of agrarian reform. Meaning, PS was placed as part of agrarian reform. KPA criticized the claim since PS was



substantially different from agrarian reform. In case of being applied, there would be a misinterpretation of agrarian reform (Agrarian Reform Genuine).

Another matter highlighted was that PS had existed since the SBY administration under the name of Community Based Forest Management (CBFM). Despite different names, the substance remained the same. In a decade of his rule, it was proven that the policy did not address the problem of structural agrarian conflicts and had inequality for Indonesia.

SBY government had contributed certain experience that this policy could serve as an affirmation of the legitimacy of forest areas and licensing regimes, including various partnership models that exploit farmers. In addition, this policy was considered only as an attempt by the country which was reluctant to acknowledge past mistakes. The government had unilaterally determined forest areas by plundering people's lands.

A Decree on the Declaration of Customary Forest to 9 Customary Law Communities (2016)

After certain period of time, there had been no post-development decision of MK No. 35/PUU-X/2012 on Customary Forests. Four years later, on December 30, 2016, In the National Palace, President Joko Widodo submitted a Declaration of Customary Forest Decree to 9 Customary Law Communities (MHA) distributing in several areas in the country. This submission is a recognition and reinforcement of the state on the rights of the indigenous people's constitution to their territory.

The nine Customary Law communities who received the Decree on Customary Forest Recognition were:

1. Customary Forest Rantau Kermas Village (130 Ha) Merangin Regency Jambi Province (MHA Marga Serampas);
2. Ammatoa Kajang Customary Forest (313 Ha) Bulukumba



Regency, South Sulawesi Province (MHA Ammatoa Kajang);

3. Wana Posangke Customary Forest (6,212 Ha) North Morowali District, Central Sulawesi Province (MHA Lipu Wana Posangke);

4. Kasepuhan Karang Customary Forest (486 Ha) Lebak Regency Banten Province (MHA Kasepuhan Karang);

5. Bukit Sembahyang Customary Forest (39 Ha) Kerinci Regency Jambi Province (MHA Waterfall);

6. Bukit Tinggi Customary Forest (41 Ha) Kerinci Regency Jambi Province (MHA Sungai Deras);

7. The Sixth Tigo Luhah Permenti Customary Forest (252 Ha) Kerinci Regency Jambi Province (MHA Tigo Luhah Permenti);

8. Tigo Luhah Kemantan Customary Forest (452 Ha) Kerinci Regency Jambi Province (MHA Tigo Luhah Kemantan); and

9. Pandumaan Sipituhuta Customary Forest (5,172 Ha) Humbang Hasudutan District North Sumatra Province (MHA Pandumaan Sipituhuta).

In his remarks, President Jokowi said that this recognition process would continue. He also emphasized that the remark was the beginning given that there were quite a number of customary law communities scattered throughout the homeland of Indonesia.



2017

Presidential Decree 88/2017 on Settlement of Land Acquisition in Forest Area

President Joko Widodo signed the Presidential Regulation (Perpres) Number 88 of 2017 concerning Settlement of Land Control in Forest Areas. This regulation was originally intended as a reinforcement of the regulation of Joint Regulations of 4 Ministers concerning Procedures for Completion of Land Tenure Issues in Forest Areas issued in 2014.

In addition to solutions to ego-sectoral problems between the Ministry, especially the Ministry of ATR/BPN and KLHK, the Presidential Regulation is expected in strengthening the status to be able to resolve agrarian conflicts in forest areas in a wide and effective manner.

Nonetheless, such hope was evaporating due to controversial elements within the Presidential Regulation. There are 4 conflict resolution schemes in this Perpres, including the release of

forest areas, the exchange of forest areas, the rights of Social Forestry management (PS) and the resettlement.

The subject of the recipient is individuals, institutions, social/religious bodies and customary law communities. The scheme depends on the 30% limit of forest area in a province. If the conflicting land has been physically controlled for at least 20 years by the community and there is no claim from another party, then it will be included in the scheme of forest area release. However, the scheme is not applicable in forest areas which are less than or equal to 30%. If the forest area is less than or equal to 30%, the will be schemes for exchange. In the meantime, the category of less than 20 years of mastery will fall into the PS scheme. If the conflict land is within a protected forest or conservation area then the settlement scheme will be applied through resettlement.

This regulation gave rise to several criticisms from civil society organizations, such as KPA and AMAN. They considered this Presidential Regulation as a step backwards in resolving agra-



rian conflicts in forest areas. One of the criticisms is the closure of conflicts over forest areas in Lampung Province, Java and Bali. This refers to government regulations stating that the three provinces and islands have a forest covering of less than 30 and there are thousands of conflicts waiting to be resolved.

The PS option is considered not providing the right answer. The reason, most of the conflict areas are villages, fields, farms and definitive villages that have had public facilities and social facilities which should have been the object of land reform through forest areas release. (Benni Wijaya, Consortium for Agrarian Reform)





The History of Agrarian Conflicts

Violence by the armed forces against the people is deliberate to preserve the law (law preserving violence) as well as to justify the law for addressing violence (law making violence). According to Walter Benjamin, a prominent figure associated with the Frankfurt School, believed that violence is a manifestation of capital.

Conflict happens when one or two

individuals or one or two groups are competing for one particular object. In the agrarian conflict or dispute, the object concerned is the land and other items related with land, including mining, vegetation, and also the air above the land in dispute (Gunawan Wiradi, 2009:55)



Agrarian conflicts in Indonesia started to develop after the Agrarian Law came into effect in 1870. Examples of agrarian conflicts in Indonesia include farmers' rebellion in rubber plantation in Ciamis in 1905 and the Gempolsewu case in Kendal in the 1920s, followed by farmers' rebellions in East Sumatra, South Sulawesi, Minahasa and Blitar. The disputes had arisen as a result of the enforcement of the *erfpacht* right or the concession right (now known as building right title or HGB) that provided the way for the establishment of big plantations and the eviction of agricultural smallholders.

1870 - 1942

1942 - 1956

Harvest of sugar canes in a Dutch plantation.

Photo credit: collection of Tropenmuseum



Workers were inspecting plants for pests in a Dutch plantation.

Photo credit: collection of Tropenmuseum



The invasion of the Japanese military in 1942 ended the Dutch colonial role in Indonesia. During the invasion and to finance the Japanese military in the war, the Japanese military forced farmers to grow food crops and other crops, including to produce oil. They allowed the big plantations formerly under the control of the European companies to be converted into agricultural smallholders and for growing non-food crops. To the farmers, it only meant winning back their land from the Dutch colonialisation. However, things started to change in 1949 with the ratification of the Round Table Agreement on 23 August 1949. The agreement became the most important milestone

in Indonesia's journey to independence. The agreement stipulates the transfer of sovereignty, control of resources, and economic orientation back to the Indonesian government. Several points of the Agreement are as follows:

1. The Dutch government only agreed to use the term "transfer of" instead of "recognition of" sovereignty.

2. Sovereignty was not transferred back to the Republic of Indonesia as declared on the independence day of 17 August 1945 but to the Republic of the United States of Indonesia.



Round Table Conference in Den Haag, the Netherlands, 1949
Photo credit: special



3. West Irian was still under the control of the Dutch government with the promise of a resolution within a year after the conference through a referendum.

4. The Dutch government demanded the deployment of KNIL in the Republic of the United States of Indonesia while on the other hand Indonesia demanded the use of its own armed forces (TNI).

5. Control over big plantations that were occupied by the people should be restored back to their former holders, in this case Dutch/foreign private investments. To make this happen,

farmers should be evicted from the said land.

6. Some of Dutch government's debts to other countries used for buying arms during the war, including for colonizing Indonesia, should be paid by the Republic of the United States of Indonesia.

7. The Republic of the United States of Indonesia is under the "Netherlands-Indonesian Union" ruled by Queen Wilhelmina.



*West Irian liberation march in Jakarta.
Photo credit: Oey Hay Djoen*

In 1957 when the Dutch government failed to keep its promise to transfer the sovereignty of West Irian back to the Republic of Indonesia, the Indonesian government took a unilateral action by nationalising Dutch big plantations. For no obvious reasons, after the nationalisation of the enterprises, army officials participated in the management of the new state enterprises. Since then the army has been taking part in controlling the Indonesian economy.

1957 - 1959



*3 January 1958. The takeover of "Padalarang" paper company by the Military Command of TT.III Territory, Bandung.
Photo credit: ANRI*



*16 January 1958. The ceremony for the taking over of "Klapanunggal" and "Tingga Jaya" rubber plantations by the Military Command in Bogor.
Photo credit: ANRI*



1960 - 1967



*A street vendor with graffiti in the background saying "COOK DUTH-MAN IN WEST IRIAN" in Jakarta in 1957.
Photo credit: LIFE*

Later in 1960 when the Law No. 56 of 1960 on Stipulation of the Size of Agricultural Land or the Land Reform Law came into effect, it left the big plantations untouched. Big plantations and forestry estates could get away from the land reform program because, in addition to the increased role of the military in the nationalisation of plantation companies, the forestry sector had a different trajectory than the agricultural-plantation sector in terms of institutional and legal arrangements. Sukarno had failed to integrate this sector into the Basic Agrarian Law.

THE DEATH OF A FARMER

(for L. Darman Tam-
bunan)

1.
in front of the bu-
pati office
lying dead
a farmer
defending his land
defending his land

in the office of
the farmer movement
the hungry was angry
for the bloodshed
for the bloodshed

the land and the
blood
twist the history
the fire's ablaze
here
peace and eternity
here

2.
he fell down
one bullet in the
head

his mind wanders
and is tortured
but torture he gets
only
until he dies

his mind wanders
to when he was young
and to his soldier
son
-- who will feed
them? ---

my wife weeds the
rice field
for the stem to
flourish
have mercy on them
have mercy on them
our gloomy friends
extinguished
and blackened 3.
they said
those in power
but who kill their
people
must surrender the
throne

4.
rice stalks, laden
with grains
survive
the wind
the sound of the lo-
liok+
in the serenity of
the hut

inhaling life
rice stalks, laden
with grains
dance with the wind

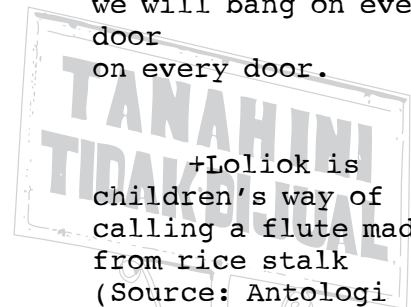
women walk naked
in sicanggang, in
sicanggang
where hoes and rice
are destroyed

those who stay under
the roof of the jails
babies in the sling
know what torture is

they say
those in power
but who grab the land
of their own people
must surrender the
throne
or be made to

when the tractor
comes
and destroy the
shelter
we will bang on every
door
on every door.

+Loliok is
children's way of
calling a flute made
from rice stalk
(Source: Antologi
Bersama "Matinya
Seorang Petani"
[Collective Anthol-
ogy of "The Death of
Farmer"])



LATINI

latini, ah latini
a dead woman
with a child in the sling

latini, ah latini
dead from gun shot
tiny infant in the womb

land grabbed
husband in the jail
which middle man will benefit?

village is destroyed
tractor crushing the food crops
which high official will mourn?
dead is latini while Masjumi is still
changing attire
dead is the farmer, his chest
shot by the gun
dead is the general, whose
mouth is sugar
but his heart is poison

give me water, I am thirsty
in hunger and exhaustion
I come to them
I go home to you
when the land is scorching dry
we eat together
and then gloomy
latini, ah latini
but, ah, the peasants
we who are in mourning will
pay it back later

(From the anthology "Matinya Seorang Petani [The Death of Farmer]", Publishing Division of the Institute of the People's Culture (Lembaga Kebudayaan Rakjat), Jakarta)



Two poems from Agam Wispi's

The Death of A Farmer

Collected Poems (Jakarta: Lekra Publishing Division, 1961), which were forbidden for circulation by the Military Command in 1960s.

The first poem "The Death of a Farmer" was written from a true story about the eviction of farmers in Tanjung Morawa while the second poem "Latini" was taken after the land eviction case in Kediri.

During the New Order Regime, the policy on the agrarian reform was kept on ice and completely ignored. The New Order Regime had manipulated the stipulation in Article 33 of the 1945 Constitution, which is promulgated in Article 2 of the Basic Agrarian Law on “The State’s Right of Control”. The elucidation also strongly stipulates that “the right of control” is not necessarily “the right of ownership”; instead it is just “the state’s right to regulate

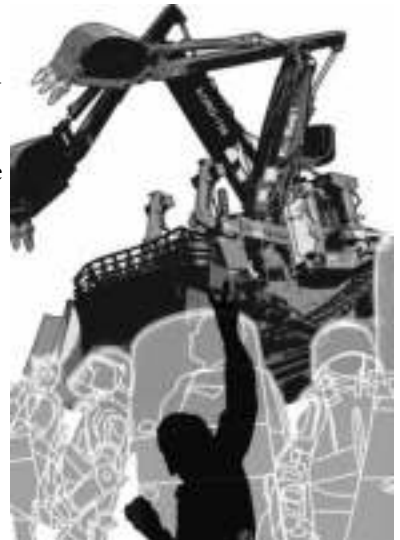
1968 - 2010

and administer”. However, instead of using the right of control for achieving the upmost welfare and prosperity of the people, the New has exercised the provision for the upmost benefit of foreign capital investments.

As a result, major violations of the land reform took place and accordingly led to outburst of agrarian conflicts. Manipulations of the provisions of the 1945 Constitution by the New Order regime continued.

In the 1990s, a new policy on the right of use (HGU) was issued and the new regime even attempted to enforce the former *erfpacht* right (right of long leasehold) that was revoked with the enactment of the Basic Agrarian Law 1960. At the end of the ruling of the New Order regime, land speculation was rampant because agrarian policies were made to promote foreign capital investments. Conversion of agricultural lands for non-agricultural uses became increasingly uncontrollable as a result of the policies that promote “land market” to give way to expansion of giant corporations.

In 1994, thousands of agrarian conflicts and disputes in West Java indicated that 57% of the disputes constituted the conflict between the people and the government, 30% between the people and private businesses and only 11% were cases of conflict between the people. Furthermore, the cases indicated that there were less than 1% cases of disputes between the government and the private companies with the same figure for conflict cases among private companies. Geographical wise, most agrarian conflicts were concentrated in the regions where there were strong capital investments. In West Java, for example, most cases of agrarian conflict (37% were distributed in Bogor, Tangerang, and Bekasi while 35% of cases took place in around Great Bandung. The rest of the cases were distributed in all districts in West Java.



In some provinces, agrarian conflicts always led to human casualties and involved the military. In Central Java, for instance, there were 99 cases of agrarian conflict during 1970 and 2000 that caused the death or injuries of 77,494 people. From the total cases, 32 cases involved the military.

In Central Sulawesi 58 cases of agrarian conflicts occurred during 1970 and 2000 that involved a total area of 1,036,589 hectares. Agrarian conflict in Central Sulawesi also involved the military. Data from the Land Reform Consortium (KPA) on agrarian conflict indicated that agrarian conflict in the regions outside of Java and in big plantation areas



*The attack of the Civil Service Police Unit (Satpol PP) to the grave of Mbah Priok in Tanjung Priok, North Jakarta on 14 April 2010.
Photo credit: Metro-Jakut*

always involved the military. In fact, the military had often become the instrument in capital expansion.


Agrarian conflicts also changed in nature, from vertical into horizontal conflicts that were based on religion and ethnicity as a result of the prolonged unsolved conflicts. An example of such conflict was the agrarian conflict in Tanjung Priok (2010) that was associated with religion and ethnicity. What initially looked like a vertical conflict changed into a horizontal one between members of the community. The conflict had in part turn into a some kind of separatism expression.

Data from KPA on Cases of Agrarian Conflict during 1970-2002

Last updated: 3 September 2003

Total cases of conflict: 1918

10 PROVINCES WITH THE HIGHEST NUMBER OF CASES OF CONFLICT



Province	Number of cases
West Java	506
Special Capital Region of Jakarta	186
South Sumatra	181
East Java	172
North Sumatra	169
Central Java	108
Central Sulawesi	71
Lampung	54
South Sulawesi	51
Aceh Special Region	51
Total	1,549

TYPES OF CONFLICT WITH THE HIGHEST INTENSITY

Type of conflicts	Number of cases
Estate crop/plantation	428
Miscellaneous	289
Public Infrastructure	262
Settlement	238
Forestry production	159
Industrial areas	118
Total	1,494



10 PROVINCES WITH THE BIGGEST SIZE OF AREAS OF DISPUTE

Province	Size (ha)
South Kalimantan	9,296,077.61
Papua	4,032,383.88
East Kalimantan	1,758,075.15
Central Sulawesi	961,792.41
West Kalimantan	722,227.89
North Sumatra	494,016.92
East Nusa Tenggara Timur	466,623.13
East Java	397,684.09
South Sumatra	370,968.46
Lampung	332,347.17
Total	18,832,196.71



NUMBER OF PERSONS IN EACH RESPECTIVE PARTY IDENTIFIED TO BE INVOLVED IN CONFLICT

Party in Conflict	Number of People
Government	476
Military	56
State-Owned Company	143
Private Company	910
Total	1,585

NUMBER OF PERSONS IN EACH RESPECTIVE PARTY IDENTIFIED
TO BE INVOLVED IN CONFLICT

Province	Total number of cases	Record on Status of Conflict Resolution						Not Clear
		Litigation			Non-Litigation			
		Resolved		In Progress	Resolved		In Progress	
		People Win	People Lose		People Win	People Lose		
Aceh Special Region	51	0	0	1	0	1	17	32
North Sumatra	169	1	3	7	2	8	73	75
West Sumatra	33	0	0	0	0	3	4	26
Riau	36	0	0	3	0	0	4	29
Jambi	13	0	0	0	3	0	7	3
Bengkulu	15	0	0	0	2	1	4	8
South Sumatra	181	0	0	0	16	1	71	93
Lampung	54	2	1	1	0	1	22	27
West Java	506	3	3	38	23	12	246	181
Special Capital City of Jakarta	186	3	0	4	6	6	113	54
Central Java	108	1	0	3	5	2	47	50
Yogyakarta Special Region	19	0	0	0	1	0	4	14
East Java	172	0	0	6	6	3	76	80
East Kalimantan	34	0	0	2	1	2	23	6
Central Kalimantan	10	0	0	0	0	0	7	3
South Kalimantan	27	0	0	1	0	3	10	13
West Kalimantan	31	0	1	1	1	0	21	7
South Sulawesi	51	0	0	3	2	0	17	29
North Sulawesi	18	0	1	1	1	0	11	4
Central Sulawesi	71	0	0	0	1	4	51	15
Southeast Sulawesi	9	0	0	0	0	0	6	3
Bali	14	0	1	2	1	1	7	2
East Nusa Tenggara	48	0	0	2	5	1	37	3
West Nusa Tenggara	28	0	0	1	0	1	21	5
Maluku	6	0	0	0	1	0	5	0
Papua	28	0	0	0	3	3	14	8
TOTAL	1918	11	10	76	80	53	918	770
		1148						

Agrarian Conflict in Indonesia 2011-2018



Introduction



When the video of violence from agrarian conflict in Mesuji Lampung and South Sumatra was officially disseminated and reported before the House of Representatives Commission III at the end of 2011, a wide audience was stirred up. The images displayed were both very sadistic and dramatic. In fact, there have been many agrarian conflicts reported and caused casualties. However, the Mesuji tragedy seemed to recall the collective memory of the community and the government that the agrarian conflict was still happening.


After the Mesuji incident, dozens of agrarian conflicts re-emerged and caused casualties, even to children. Usually, after the falling victims to an agrarian conflict, the criminal aspect of the conflict is immediately followed up by the police. Nonetheless, the root of the main problem in the form of agrarian conflict has lagged behind without meaningful handling. Thus, the explosion of agrarian conflict has the potential to explode at any time whenever it gets its momentum.

tion specifically responsible for resolving agrarian conflicts thoroughly and adhering to its decisions. In fact, the current agrarian conflict is largely a repressive past that is supported by a poor and corrupt land administration system.

That is why, in land cases, the court seems to be only in demand by the government and businessmen. Meanwhile, the community especially the victims prefer to report it to institutions, namely to the President, the Legal Mafia Task Force, the DPR and the National Human Rights Commission, and the National Land Agency (BPN). The cause is that, agrarian-related documents owned by the community before the land was taken, are often useless and legally enforceable in proving in the court. However, the falsification of documents in the process of transferring rights and enforcing normal conditions, has occurred in the process of transferring community land.

According to Noer Fauzi (2014), agrarian conflict is a prolonged conflict of claims regarding a land, natural resources (SDA), and territory belonging to the people with a giant business entity

Increasing Number of Agrarian Conflicts



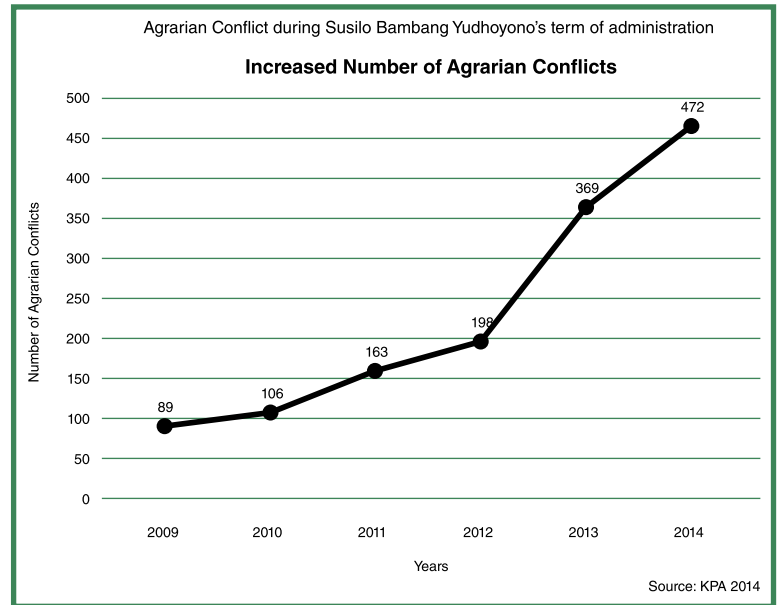
engaging in infrastructure, production, extraction and conservation; and the conflicting parties that try and act directly or not to eliminate the claims of others. The aforementioned agrarian conflict begins with the granting of permits/rights by public officials, including the Minister of Forestry, the Minister of Energy and Mineral Resources (Energy and Mineral Resources), the Head of the National Land Agency, the Governor, and the Regent, who includes land, natural resources and living areas which belongs to the community into projects/concessions of giant business entities in the fields of infrastructure, production, extraction, and conservation.

From above understanding, an important factor in the emergence of structural agrarian conflicts is the specific policy, issued by the government for various business and, public interests that have ignored the fact that there is land ownership by local residents.

Since the New Order era, agrarian conflicts have colored the agrarian situation in the country. The agrarian conflict recorded and caused community resistance, such as the Construction of the Kedung Ombo Reservoir in Central Java, which was part food agriculture intensification project of the New Order regime.

Agrarian Conflict on the colonial plantation legacy also spread, like the Jenggawah Case in East Java, Badega in West Java, BPR-PI North Sumatra with PTPN II. In addition, in West Java, Bali and Lombok also spread agrarian conflicts due to the construction of urban infrastructure, tourism (hotels and golf courses).

During the 1998 economic crisis, which later triggered the birth of reform, occupation of land by residents on the golf course, plantation and abandoned lands in the suburbs were widely reported by the mass media. Initially, this was considered a temporary response to the population in saving themselves from the severe economic crisis that was engulfing. Moreover, at that time, millions of workers lost their jobs.



However, land occupation is even more widespread in plantation and forestry areas by involving farmers and massive rural populations. Initially, the mass media reported the phenomenon with the action of land grabbing.

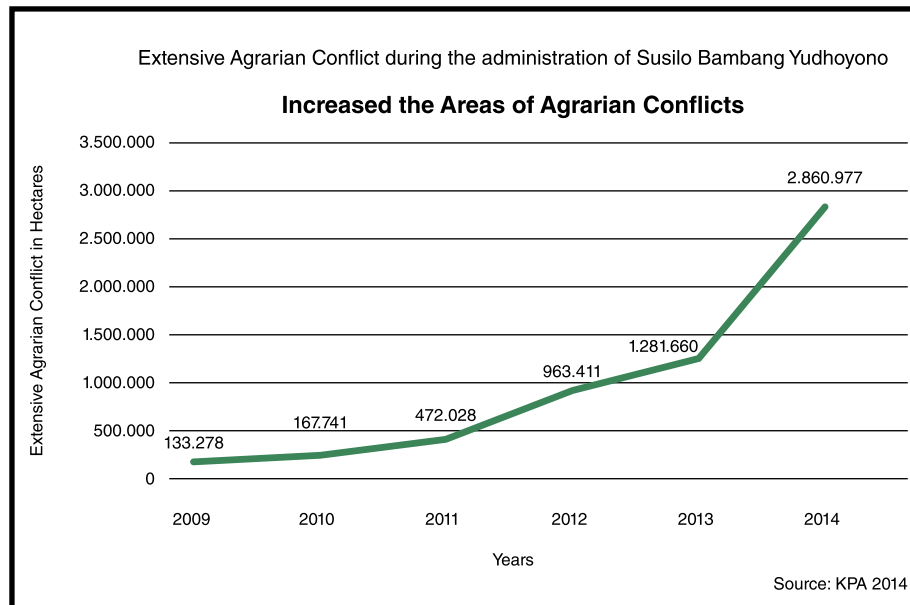
Along with the widespread understanding of the actions of the community, the term land grabbing and occupation gradually changed into a term popularized by activists, who accompanied the community, with the term of “reclaiming” which then, popularly written as the act of reclaiming. A term which explains that these community actions constitute a movement to reclaim lands which previously owned by them but have seized such land through the process of violence and manipulation during past experience. This term explains that the act of reclaiming is not solely as a process of surviving the engulfing economic crisis but an action which explains a form of resistance from the community to previous agrarian policies.

The increase in reclaiming action was initially seen as a movement which gained momentum due to the weakening of the

government's authority and security forces during the democratic transition process, therefore resulting in the courage of farmers and rural residents in conducting such reclaiming action.

The KPA Resource Center (Consortium for Agrarian Reform) recorded 1,753 cases of structural agrarian conflicts, namely cases of conflict that occurred (involving) local residents on one side dealing with the power of capital and/or state instruments.

By using community grouping into 3 sectors, the structural agrarian conflict can be expressed as a conflict between civil society groups on the one hand dealing with two other forces existing in social life, namely: business sector and/or country. Therefore, one important factor playing a role in the emergence of these cases is the existence of certain policies issued by the government for various purposes including those stated as “public interests” and for “development” purposes that ignore the reality of land tenure by local residents.



All of the recorded cases were spread in 2,834 villages/sub-district and 1,355 districts in 286 Level II regions (Regency/City). The timeframe in which these cases surfaced was from 1970 to 2001. Of those cases, the total area of disputed land was not less than 10,892,203 ha and had victimized no less than 1,189,482 families (KK).

By using these data, agrarian conflicts inherited from the New Order were used as a basis to encourage the implementation of agrarian reform and conflict resolution within the framework of the ongoing democratic transition. The civil society and Komnas HAM were encouraged by the proposal of the National Commission for Agrarian Conflict Resolution (KNPKA). This commission was proposed to work similarly to the agrarian conflict resolution process in South Africa during democratic transition process, from the apartheid regime to the democratic regime in the country. Unfortunately, the proposal was rejected during Megawati Soekarno Putri's term of administration.

In 2004, democratic consolidation had taken place in its en-

tirety. Institutionalization of democratic institutions was also increasingly organized. Due to the inavailability of agrarian conflict resolution institution in the past, the legacy of the old agrarian conflict has not yet been resolved, thus new agrarian conflicts arose.

The government of Susilo Bambang Yudhoyono (SBY), which was elected through democratic mechanisms and institutions that having been organized, had not yet provided an institutional agrarian conflict resolution.

A slightly similar situation also occurs in Joko Widodo's administration. Agrarian conflicts continue to increase in line with the trend of infrastructure development which is currently the primadonna of the development of the government era.

In 2017, KPA recorded the occurrence of 659 agrarian conflicts in various regions and provinces in the country with an area of 520,491.87 ha. These conflicts involved 652,738 families. Compared to 2016, the incidence of conflict this year shows a

very significant increase where there is an increase of up to 50%. On average nearly two agrarian conflicts occur in one day in Indonesia so far this year.

From most sectors monitored, plantations still occupy the first position. A total of 208 agrarian conflicts occurred in this sector throughout 2017, or 32% of all conflicts. The property sector ranked second with 199 (30%) conflicts. The third position is occupied by the infrastructure sector with 94 conflicts (14%), followed by the agricultural sector with 78 (12%) conflicts. Moreover, the forestry sector with a total of 30 (5%) conflicts, the coastal and marine sector as many as 28 (4%) conflicts, and finally the mining sector with 22 (3%) conflicts that occurred throughout 2017. That way, during the three years of Jokowi administration JK (2015-2017), there were 1,361 agrarian conflicts.

Looking at the data on agrarian conflicts that have occurred so far, there are several main reasons: (1) Agrarian conflicts of the past have not been resolved thus agrarian conflicts are repeated

at the same place; (2) Implementation of legislation, and policies on the management of agrarian resources in the fields of land, forestry, coastal marine, mining and plantations; (3) The administration malpractices in the process of granting concessions to land and other agrarian sources; (4) The repressiveness of the authorities, especially the police and the army in dealing with agrarian conflicts.



Areas of Agrarian Conflict



1. Agrarian Conflict of Plantation

One of the oldest and most common agrarian conflicts in Indonesia is the conflict in the plantation area. Starting from agrarian conflicts, colonial heritage plantations, to conflicts of partnership plantations with the core plasma pattern having been supported and encouraged by the government.

Conflict of colonial heritage plantations is widely found in Java and North Sumatra, South Sumatra, and Lampung. The majority of the plantation has been managed by state-owned plantation companies in this case, PTPN. The PTPN land referred to above, was obtained from the process of nationalization of plantations owned by foreign companies, especially Dutch citizens in the 1950s. Meanwhile, we know that the plantation was built by seizing people's lands, especially the local indigenous people.

In the past, the erfpacht rights of Dutch plantation were obtained in two ways: renting from the community directly or using the principle of domein verklaring (land is considered state

land (government of the Dutch East Indies)) in the case that the ownership rights/eigendom were not stipulated by Agrarische Wet 1870. The second method was the most widely used. Therefore, it served no exaggerate accusation by the public if the history of PTPN's lands in East Sumatra, and the state-owned and private Javanese plantations now has come from the seizure of land that was never returned to the people.

According to the 1960 Basic Agrarian Law/BAL, plantation companies may obtain land rights in the form of HGU (Right to Cultivate) as regulated in Article 28-30 and Article III of conversion rules. Thus, HGU, in addition to a new form of rights, is also a "continuation" of erfpacht Agrarische Wet 1870 and consessie regulations. Furthermore, the right of the erfpacht that was converted into the HGU was given a period of time of 20 years to be immediately returned to the state.

Based on the fact that the land of colonial plantation was obtained from people's land grabbing, ex-erfpacht estate lands that had been distributed by the Government through the Letter of



Land Consolidation and Decree on Land Reform to the people, were mostly repossessed by the plantation authorities using the security forces during the transition of Old Order to the New.

The New Order Government issued Presidential Decree No. 32/1979 concerning the Principles of Policy in the Framework of the Granting of New Rights to the Land of Origin of the Conversion of Western Rights, and the Regulation of the Minister of the Interior No. 3/1979 concerning Provisions concerning the Application and Granting of New Rights to the Land of Origin of the Conversion of Western Rights. This regulation is actually another form of reluctance in carrying out a comprehensive settlement of the problems of plantation land. It only served as a procedure for conversion of rights, not restitution or redistribution.

This reluctance was generally caused by plantations being nationalized and made as given the fact that most of the directors and commissioners of this company were retired high-ranking officials or military officers, who were considered necessary to

be given, the priority. Missing the opportunity for the people to regain their land through the 1960 BAL. Currently, it is difficult for Dutch ex-erfpacht plantations to be returned to the people since they are recorded as state assets. On the other hand, land institutions and land regulations do not seem to “reach out” to the conflict with PTPN (BUMN).

In addition to the problems of colonial heritage plantations, there are new plantation conflicts arising in all parts of Indonesia. Most of them are in Sumatra, Kalimantan and Sulawesi. There are several phases which must be taken into account seeing this new type of plantation conflict.

First, normative phase. This phase begins with the granting of a location permit, a plantation principle permit granted by the regent, governor who often collides with the community management area. Meanwhile, after obtaining a location permit, plantation companies often force people to give up land by giving them unnatural compensation. Following this process, the company will register the land as an HGU to BPN. Often,

companies obtain HGUs with a procedural flaw so that the HGU area can take over residents' lands. This matter is highly caused by collusions with BPN agencies.

Second, phase of plantation development. This type of conflict begins with plantation companies which invite people to partner with the community. Initially, the community would hand over the land for the plasma plantation to be built by the company. Before stepping into the development of the plantation, the company will carry out an MoU with the community.

Due to the absence of local and agricultural governments in protecting their citizens, cooperation agreements often times harm the farmers, the matter of which, is not well-understood by the community. As a result, it is often found that community-owned lands having been handed over to plantation companies are used to establish plasma estates and included in the company's HGU certificate.

The said condition leads to the third phase of the conflict, name-

ly the plasma conversion phase. It was found that many farmers received plasma plantations, precisely the land was far from the location of the house and means of transportation. In addition, many farmers receive areas where the land is less fertile, the area is not suitable, the list of fictitious plasma recipients, seed quality is random, the number of staples of the crop is small, to the amount of credit that increases. The case in Sei Sodong, in Mesuji South Sumatra, is a real example of this type of conflict.

Furthermore, the fourth phase of the plantation conflict phase, is the production phase due to numerous cuts made by the company to plasma farmers. The Palm Oil Farmers Union (SPKS) describes that the amount of cutting or sorting that is often carried out in oil palm plantations, which is up to four percent each time the palm oil harvests.

2. Agrarian Conflict in the Forestry Area

The main problem of forestry conflict in Indonesia is the authority of the Ministry of Forestry through Law 41/1999 on



Forestry to unilaterally designate forestry areas in Indonesia. This is another language from Domein Verklaring. Following the appointment process, the forestry ministry is required to determine the boundaries of mapping and the determination of forest areas. The ultimate goal is the existence of a legal and legitimate forest area. “Legal” means that legally adhering to the established rules (both procedurally and substantially) and “legitimate” means, the recognition and acceptance of other parties on the boundary and the existence of the forest area.

In the present, the government has unilaterally designated the forest area as 136.94 million ha or 69% of Indonesia’s territory. In fact, to this day, the area designated unilaterally still leaves many forest areas having not been set by the government to be designated as forest areas.

The lack of legal and legitimate forest areas has become one of the triggers for conflict with various parties, especially communities in forest areas. In addition, there are other major problems due to the final status of forest areas, not having been

decided. There are at least 30,000 definitive villages in the forest area. Meanwhile, with the status of being inside the area, the villagers are daily vulnerable to criminalization, eviction and forced evictions under the pretext of living inside forest areas.

In addition to conflicts in forest areas that have not yet been determined, there is a conflict over forestry areas in areas that have been defined, especially in the forestry industry and Perhutani in Java. In Perhutani in Java, cases arising are questions regarding the boundaries of the Perhutani area using maps that are completely different from those of the village government. Perhutani uses a map of forestry areas issued in the colonial era. Meanwhile, many residents use village maps, land tax letters, BPN measurement letters, to the reality of the field in the form of crops and residential areas.

Thus, the main conflicts of forest areas in Indonesia are the legal and legitimate legal boundaries of the forestry area with the community which is caused by the authority of the Ministry of Forestry to designate forest areas unilaterally. In other words,

Law 41/1999 on Forestry has revived the concept of Domein Verklaring which has been abolished since the birth of UUPA 1960/BAL.

The next issue is the minimum effort or lack of strong will from the government to hand over forest management to the community. In fact, traditional generations have traditionally owned, controlled and managed forest areas in Indonesia in the principles of environmental sustainability. On the other hand, the delivery of forest area management to business entities continues to increase annually.

3. Agrarian Conflict in Mining Areas

The forced dissolution of the closing of the crossing sea port in Sape, Bima, West Nusa Tenggara by the West Nusa Tenggara Regional Police Mobile Brigade took the lives of many residents. The public was then shocked. The issue of agrarian conflicts always asks for casualties to just attract public attention widely.

The Bima people who refused the presence of a gold mining exploration permit that was present in the middle of a residential area and food agriculture land, reminded the Freeport Papua mining problem, the Arun Gas Field in Aceh which triggered a wider problem than a mere agrarian issue.

Agrarian conflicts in the mineral and coal minings as well as oil and gas areas frequently surfaced in the field, can be divided into several main things:

a) Conflicts caused by mining site permits, whose sites located above populated areas. This mining location permit will precede the exploration permit process to take samples for the feasibility of mining commencement. The exploration permit is basically to see the reserves of natural resources of coal and oils inside the soil and water.

This process creates social unrest because if the exploration process is proven to find sufficient reserves for the commencement of mining exploitation, it will take over the people's lands with a



compensation process.

Many people consider that the presence of minings does not bring much direct benefits to the local community or little profit compared to the losses that will be borne by the presence of the mining company.

Usually, the situation becomes increasingly tangled when the community splits into a position of refusing and supporting the presence of a mining company that is also distinguished by certain religious and ethnic differences. Thus, the conflict of mine refusal mutated into a horizontal conflict.

b) Conflict caused by the ongoing mining exploitation process, causes environmental damage due to water, air, noise pollution by the presence of mining company waste. Mining exploitation has changed the structure of the previous earth's structure so as to cause various problems in the midst of the community that mostly depend on agriculture, aquaculture, fisheries as well as forestry.

The potential for horizontal conflict in the process of mining exploitation is also fairly large which is often manifested by the conflict between communities around the mine and mine workers. In addition, other conflicts caused by this exploitation process, damage to public infrastructure as a result of being used by mining, such as damage to road lanes used, to transport mining products to processing plants or to ports.

In the process of mining exploitation, there are also other types of conflicts in the community that are caused by the Corporate Social Responsibility (CSR) program, which is not right on target and conflict of profit sharing between central and local governments.

c) Agrarian conflict in post-exploitation mining area. Many unused mining areas have been used by residents for the location of plantations, fisheries and settlements such as in Bangka. Former tin mining has been converted into a community location. In fact, until now, these lands are still considered as state land which can be taken over by the state at any time for various

purposes.

4. Urban Area

The conflict between community groups and Satpol PP on April 14, 2010 in defending Mbah Priok's tomb in North Jakarta from the pressure of Pelindo II container port expansion, is an example of an agrarian conflict case in an urban area that took the lives of residents and officials. In addition, agrarian conflicts frequently cause victims are, conflicts due to the eviction of street vendors, eviction of illegal settlements.

Urban development and urban facilities due to the widespread needs of industrial, commercial and residential areas, are the main drivers of agrarian conflicts in urban areas. In fact, this expansion is not much prioritized to the weak in economy.

Agrarian conflicts often found in urban area, can be grouped into typologies, as follows:

a) Agrarian conflict in land acquisition for business purposes. Urban planning dominated by strong business interests, makes urban spatial planning to be directed by a handful of entrepreneurs. Not surprisingly, the city area is filled with location permits for business entities both for industry, commerce and housing.

After obtaining a location permit, the entrepreneurs obtain the right to acquire land with the process of buying and selling and compensation. This process often involves land brokers, manipulation of population and ownership data which causes a chaotic process of compensation and the release of rights to land.

Often, due to the lack of transparency in governance, granting location permits to investors is less concerned with spatial planning. Strangely, these entrepreneurs could easily revise spatial planning, which would lead to a process of damage to the environmental balance and to trigger future problems such as congestion, flooding and pollution.



Citing the Tarumanagara University study of urban planning and real estate in 2011, there were 28 new cities in the Jakarta or Jabodetabek metropolitan area controlled by five large developers.

The five developers are Bakrieland Development, Sinarmas Land, Jaya Real Property (Pembangunan Jaya), Lippo Group and Ciputra Group. Broad control by the private sector makes cities built not to serve the interests of the wider community but merely for the upper middle class.

b) Agrarian conflict in land acquisition for public interest. In contrast to land acquisition for business purposes which starts with location permits, land acquisition for public interest, begins with the process of determining the location by the government. This shows that the government uses its strong authority in regulating land use. Unfortunately, the public interest project built by the government is not entirely for public interest.

areas are mostly due to unfair and decent compensation and the process is characterized by patterns of violence; no relocation area is available or not available for displaced people; the use of land that should be purely used for the public interest is infiltrated by business interests.

c) Changes to public-owned land use become business areas by the municipal government. Green open spaces, urban forests, folk sports areas, government schools and public cemetery parks, community amusement parks are public areas that are often changed or exchanged by the government unilaterally with entrepreneurs without going through the mechanism of opinion testing with municipal residents. This kind of problem causes a lot of strong protests and conflicts between the community and the government, causing social and political problems and causalities.

Conflicts in land acquisition for the public interest in urban

Main Actors in Agrarian Conflict



In the abovementioned agrarian conflicts, there are major actors of conflict that often coexist or directly deal with agrarian issues. First, the actors; farmers and indigenous peoples. These are the two major groups of people who have been victims and are involved in structural agrarian conflicts. As a victim, both groups are involved in agrarian conflict both at the level of maintaining the land from the control of the other groups outside of them, which are generally the business world groups, in the interests of profit and the government in the public interest.

Second, State-owned and private enterprises are the next group that is involved in agrarian conflicts. This business entity is the party that has obtained permits, rights and concessions from the government on a piece of land which results in conflicts with indigenous peoples, farmers, government and fellow business entities themselves.

During this time, conflicts between business entities and government, and/or fellow business entities mostly resolved through general courts, state administrative courts and arbi-

tration. However, agrarian conflicts with indigenous peoples and court farmers are not frequently chosen. In face-to-face conflicts between indigenous peoples and farmers with business entities, usually also including workers/employees/business entity initiatives, resulting in the form of horizontal conflict.

Third, local government actors. The involvement of the central and regional governments in agrarian conflicts is more because the government issues permits and rights to legal entities which overlap with the management rights of indigenous peoples or farmers. Meanwhile, the demands of the community to revise various products of permits and decrees from the local government are not mostly issued by the government.

Fourth, TNI/Police officers are groups involved and or included in agrarian conflicts. The involvement of the TNI/Polri directly with the community was caused by, land tenure conflicts by elements of the TNI/Polri. Land acquisition for the benefit of the TNI/Polri or land ownership by this institution, which is above the claims of indigenous peoples, farmers or business entities, is

Steps to handle Agrarian Conflicts



an example of a conflict that occurred.

Meanwhile, the involvement of the TNI/Polri in agrarian conflicts is also due to the invitation of business entities/government institutions in maintaining security in agrarian conflicts. This involvement often causes “bloody face” of agrarian conflicts as handled excessively.

All this time, the victims of agrarian conflict chose paths other than courts in resolving the agrarian conflicts they experience because of lacking in formal evidence, recognized by the court which actually belongs to the community. There are several institutions which have been trying to deal with agrarian conflicts so far, namely the Ministry of ATR/BPN-RI, Ministry of Environment and Forestry (KLHK), National Human Rights Commission, Ombudsman Commission, DPR-RI, Local Government.

Steps to deal with agrarian conflicts in the ATR/BPN Ministry have attracted more attention since Perpres 10/2006 on BPN was issued. Previously, the issue of agrarian conflict was only handled at the lower level of the bureaucracy, then drawn to the level of Deputy Head of BPN. Furthermore, after the BPN-RI was raised to become the Ministry of ATR/BPN, the issue of agrarian conflict remained an important focus with the presence of the Director General of Agrarian Affairs, Land Use and Land Management who specifically deal with agrarian and land management issues.

At the Ministry of Environment and Forestry, the issue of agrarian conflict or forestry tenure conflicts has also become a concern in the Directorate General of Social Forestry and Environmental Partnership, in which there is a Director for the Handling of Conflict of Tenurial and Customary Forests.

In each report, ATR/BPN-RI claims an improvement in the reported agrarian conflict resolution. Although, if the report is studied, it indicates that the complainants have chosen a court route, which means that the conflict is no longer considered to have resolution by BPN. Meanwhile, at KLHK there are institutional problems considering that the tenurial conflict is an internal-cross of Director General.

From the experience, the process of handling cases at ATR/BPN and at KLHK cannot run optimally because: (1) The land issue is mostly caused by the decision of the BPN or KLHK, thus these institutions are difficult to resolve. (2). Perspective in resolving cases is very formalistic (3) Authority is limited if the case involves many other government institutional actors.

In the House of Representatives, the people can report land conflicts in Commission II, especially the Land Committee. Experience in reporting land cases in the DPR so far is: members of the DPR and Panja Pertanahan in the DPR need a longer time to understand, discuss and review the location of the conflict. In addition, the recommendations of the House of Representatives in the land conflict do not bind to be resolved by the government. In fact, many of the DPR's recommendations are actually ignored by the National Land Agency and other government agencies without any implications.

A similar case was also experienced by Komnas HAM, the Ombudsman Commission as the most frequently reported institution of the people, the land cases. Unfortunately, the recommendations given by this institution have similar authority as DPR's recommendations. (*Iwan Nurdin*)

Conflict Of Oil Palm Plantations The People's Farm in Muara Kaman, Kutai Kartanegara

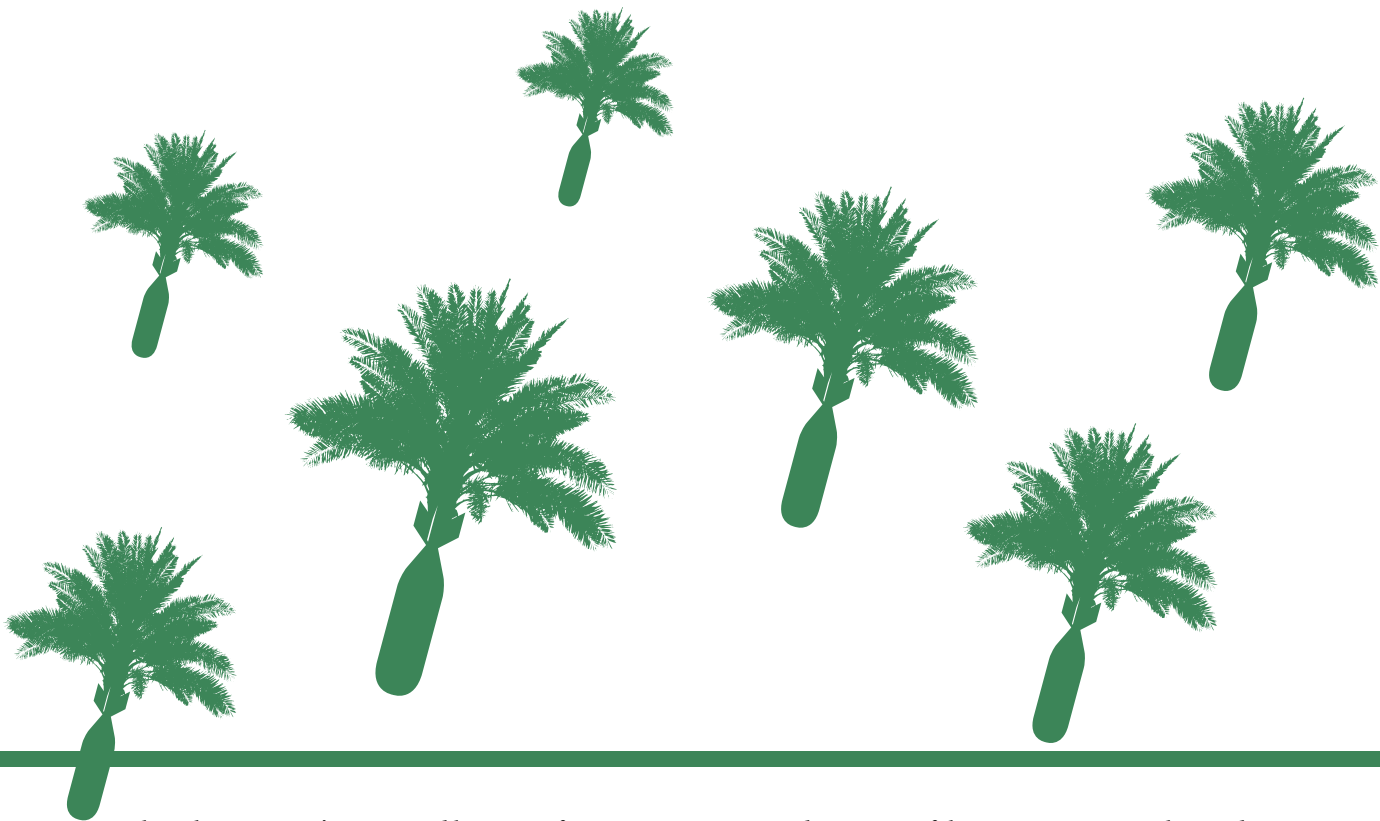


The expansion of large capital via oil palm plantations was also present on the oldest Hindu kingdom in the archipelago, namely Kutai Martadipura, Muara Kaman. Muara Kaman has not escaped the target of expanding capital expansion in developed countries. After 1945 to the 1960s, Muara Kaman experienced an era of logging. Large-scale deforestation took place until the logging in 1984 which marked the phenomenon of the flood cap. Entering the 1990s, the era of logging were declining and the era of coal mining had come. Coal mining experienced a post-1998 booming. Licensing of coal mines was rife in Muara Kaman. Entering the 2000s, oil palm plantations were flourishing in Muara Kaman.

In 2006, two oil palm plantation companies were British subsidiary, MP Evans namely PT Prima Mitrajaya Mandiri (PMM) and PT Teguh Jayaprima Abadi (TJA) expanding oil palm plantations in Muara Kaman which cross the villages of Bukit Jering, Muara Kaman Ilir, Loleng, Rantau Humpang, Benua Puhun and Bunga Desa Jadi.

“Hunting land” of oil palm cultivation is done by PT PMM with the location permit of Kutai Kartanegara Regent Decree No. 39/DPtn/UM-38/XXII-2005 which was later renewed in Kutai Kartanegara Regent Decree No. 47/DPN-L/IL-46/VI-2007. Through this permit, PT PMM got a “red carpet” for hunting 21,500 ha of land. In early 2006, land disputes with communities occurred between the residents of Bukit Jering and PT PMM, which opened up community-owned swamp/peat land and constitute a cork/puyu/sepat catchment areas of the local community. Disputes also took place with the residents of Muara Kaman Ilir Village who did not agree with the growing-planting compensation (GRTT) process on the land they control, and work on the pretext that the community could not present their land ownership certificate as their legal evidence. This was the reason why, until the issuance of the company’s HGU Decree, it only reached 12,899 ha. Due to various tenure issues, conflict continued to occur as oil palm plantations expanded.

In December 2010, the people of Muara Kaman Ilir installed



a portal on the company's main road because of inappropriate payment of GRTT and plasma construction, as promised by the company. The community believes that the PT PMM oil palm plantation location had seized their rights. The promise of building a new plasma of 2000 ha, only reached approximately 800 ha. In addition, towards the beginning of 2011, the indigenous people of Muara Kaman were involved in a land conflict with the transmigrant community (from Lombok) in Sumber Agung Hamlet, Muara Kaman Ilir Village. The conflicts were related to the claims of the indigenous people of Muara Kaman over the two business lands (LU 2) belonging to transmigrants.

In April 2015, hundreds of ex-PT PMM employees at the Kutai Kartanegara Regional Parliament demanded the payment of wages and severance pay for ex-employees (in fact, Muara Kaman residents) as they were laid off by PT PMM.

In May 2015, the Lombok transmigrant community in Sumber Agung Hamlet led by Muhibin Ali had a rally at the Kutai Kartanegara Regional Parliament. Previous demonstration led

to detentions of three Muara Kaman Ilir residents.

In the beginning of August 2016, the Deputy Regent of Kutai Kartanegara; Drs. Edi Damansyah, M.Si, went to the PT PMM office in Muara Kaman. The visit aimed at meeting PT PMM management in relation to conflict's resolution between the community and the company.

Two years after the visit of the deputy regent, there remained numbers of people who have not yet received their rights and are even deprived of their rights. Moreover, two of three colleagues who have been fighting for the community still continue, up to this day, but they seemed to have run out of energy to fight. (*Bayu Eka Yulian*)

Construction Planning for a Cement Plant in the North Kendeng Mountains



Agrarian conflict due to plans to build cement factories increased after China had closed almost half of its cement plants. Since then, Cement industry investment has shifted to developing countries, including Indonesia. One ongoing case since 2006 has been, the planning of several cement factories construction in the North Kendeng Mountains covering seven districts in Central and East Java Provinces. This paper summarizes, the agrarian conflicts that occurred in two regions, namely Pati Regency and Rembang Regency, Central Java Province, which are related to the planning of cement plant construction.

The resistance of Kendeng residents to the planning of a cement plant construction began in 2006, when PT Semen Indonesia, at that time, was named PT Semen Gresik as intended to construct its factory in Kedumulyo Village, Sukolilo Sub-district. Residents who are aware of the possibility of a water crisis and other impacts were resisting through the Kendeng Mountain Community Care Network organization (JM-PPK). In 2009, residents won a lawsuit at the Supreme Court. Therefore, PT Semen Gresik stopped their development plan.

Said that, an issue arose elsewhere, precisely in Rembang Regency. In 2009, PT Semen Indonesia (Persero) changed the design of the area for the construction of a cement plant to the Rembang region, Central Java, precisely in Gunem District, Kendeng Mountains, Rembang. On October 14, 2010, the local government granted permission to construct a cement factory by issuing a Regent Decree Number 545/68/2010 concerning the mining business license area. This decree was followed by the granting of an exploration location permit for the construction of a cement factory, raw material mine land, and other supporting facilities with number 591/40/2011. The area of land used by this project reaches 519 ha.

The plan to construct a cement plant also violates the existing regulations. The use of the Watuputih groundwater basin area as a limestone of rock mining area as raw materials of cement, violates the Regulation of Central Java Province's Regional Spatial Planning Number 6 of 2010 Article 63, which stipulates the said area as a water supply protected area and Rembang Regency Spatial Planning Regulation Number 14 Years 2011 article



Photo source:
Mokh. Sobirin



19 which sets out this area as a geological protected area. The process of granting this permit does not include the coverage of various media because it focused on the case of the construction planning of a cement plant in Pati Regency.

An open clash occurred in 2014 when PT Semen Indonesia intended to hold the laying of first stone in the factory. Residents of several villages in Gunem Sub-district blocked the road to the factory area on the grounds that they did not receive any information regarding the existence of a cement factory in their area. Amdal documents that should be public consumption have never been known. Thus, various negative impacts have never been socialized.

Kendeng residents who refused to construct the cement factory sued PT Semen Indonesia for the issuance of environmental permits for karst mining activities and the construction of a cement factory to the Supreme Court. This case was originated from a lawsuit of Kendeng peasants with the Wahana Lingkungan Hidup Foundation (Walhi) to the Semarang State Admin-

istrative Court (PTUN). However, their lawsuit was rejected on the grounds of expiration. Then, they re-appealed to PT TUN Surabaya and were still refused. After the rejection, Kendeng and Walhi farmers filed an appeal to the Supreme Court and was then rejected. On 2 August 2016, Kendeng and Walhi farmers found new evidence brought to the Supreme Court to burden the Governor of Central Java and PT Semen Indonesia. The Supreme Court also granted their request. Unfortunately, the Governor of Central Java issued a new permit for the development plan of PT Semen Indonesia.

The case in Rembang Regency is an example of strong penetration of extractive industries. There are dozens of cement mining industries which intend to exploit the karst area in Java, which in fact, is an important area for the survival of thousands of residents. (Mokh. Sobirin)

Chronology of Conflict in Register 45, Mesuji, Lampung



An agrarian conflict on the Register 45 has risen from the expansion of the production area of PT Silva Inhutani from 33,500 to 43,100/42,762 ha in the New Order era. This policy is considered to be the community, taking their customary land.

► In 1917-1918 there were old villages in the area of Register 45 covering Talang Batu, consisting of Talang Gunung hamlet (old/custom hamlet), hamlet of Tanjung Harapan (old hamlet), hamlet of Setajim (old/custom hamlet) and hamlet of Pelita Jaya (old one)

► In 1940, based on Besluit Resident Lampung district No. 249 dated 12 April 1940, whereas the group of prohibited forest, the Register 45 from the Buaya River designated as a production forest area with an area of 33,500 ha.

► In 1986-1987 measurement of boundaries and eviction of Register 45 forest areas by North Lampung level II boundary team.

► On October 7, 1991, Minister of Forestry Decree No. 688/Kpts-II/1991 was issued whereas the Ministry of Forestry granted temporary plantation concession rights to PT Silva Inhutani Lampung on Register 45, Sungai Buaya Lampung covering 33,500 ha. PT SIL is a joint venture between PT Silva Lampung Abadi and PT Inhutani V.

► In 1996-1997, was the forming of new Moro-moro village, people came in because they saw an uncultivated land.

► On 17th of February 1997, Minister of Forestry issued a Decree No. 93/Kpts-II/1997 on the granting of industrial plantation rights to the forest area originally 33,500 ha to \pm 43,100 ha to PT SIL. Concession of PT SIL for 45 years.

► In 1998, a conflict between Talang Gunung community and PT BNIL (group of PT SIL) as considered to occupy 867 ha of their land.

► In 1999, there were evictions in the villages of Talang Batu,



Talang Gunung, Tanjung Harapan, Pelita Jaya, Setajim and Labuhan Batin, Way Serdang District, Tulang Bawang Regency. Residents demanded that their village land was to be returned to the Register 45 area with the issuance of Decree No. 93/Kpts-II/1997 concerning the granting of industrial timber concession rights over an area of $\pm 43,100$ ha to PT SIL. According to Besluit, Lampung District Resident No. 249, the area of the Register 45 area has reached 33,500 ha.

► On 29th July 2004, Governor of Lampung sent a letter No. 522/1240/01/2004 regarding land claim as part of the production forest area (KHP) of Sungai Buaya Register 45 in response to the Lampung Provincial Government on the demands of the Talang Batu Village.

► Throughout the year 2006 to 2011, there were several times of control over hundreds of houses by security forces.

► On 13th of December 2011, residents accompanied by the Traditional Institute of Megou Pak and Major General (retired)

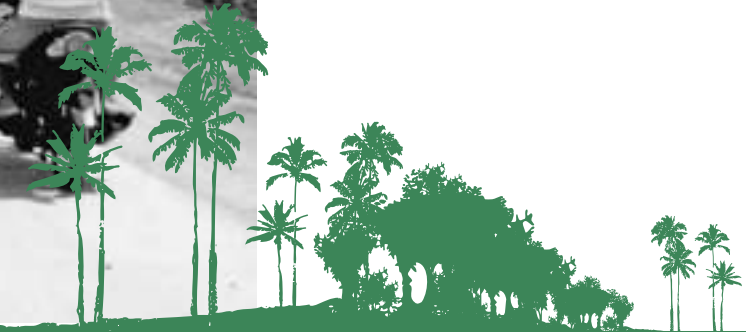
Saurip Kadi reported a case of raid to the House Commission III.

► In 2012, according to the recommendations of the Joint Fact-Finding Team, the Mesuji District Government submitted an application for the Talang Gunung and Labuhan Batin enclaves to the Minister of Forestry through a letter number 590/419/I.01/MSJ/2012 dated March 6, 2012. This letter refers to the Ministry of Forestry's letter and Indonesian Plantation No: 1135/Menhutbun-VIII/2000 dated August 24, 2000 and Indonesian Ministry of Forestry Letter No: S.23 / Menhut-II / 2005 dated January 18, 2005 stating that: "The status of an area of 7,000 hectares has been reduced by the size of enclaves (for settlements, social facilities, public facilities covering a total area of 149.1 ha), remains as state forest areas that may be managed jointly with the Talang Gunung community with PT SIL in adjustment to PT SIL's work program.

► In 2013, the Indonesian Minister of Forestry issued Decree No: SK. 182/menhut-II/2013, which states that an area of



Photo source: Dwi Wulan Pujiriyani



149.1 ha has been returned to the indigenous people of Talang Gunung. The amount of which was not in accordance with the request of the Talang Gunung community who intended to have the return of their land area of 7000 ha as included in the expansion of PT SIL's industrial forest concession rights in 1991. There has been a request for review and re-registration of land area caused by the increasing number of population in Talang Gunung and the impossibility in managing an area of 149.1 ha.

► In 2014, The Minister of Forestry stated that the status of 7,000 ha of land will be issued from the Register 45 Mesuji Lampung status. The authority to distribute land was handed over to the local government and considered that status of Register 45 has been completed. (Dwi Wulan Pujiriyani)



Padang Island: Even Only an Inch of the Land; We Fight For It

Padang Island is located in Meranti Islands Regency, a newly formed district of Bengkalis Regency. Geographically, Padang Island is a peat island with a thickness of more than 3 meters to protect (Keppres No. 32 of 1990). The area of Padang Island is $\pm 110,939$ ha. In 2009, almost half of Pulau Padang was consecrated to the RAPP through Kepmenhut No. SK 327/Menhut-II/2009 to Riau Andalan Pulp and Paper (RAPP) covering an area of 41,205 ha.

After the concession decision above, the people of Padang Island flared up. Farmers rejected and fought against the matter. Since the Minister of Forestry's 327 Decree was issued in 2009, from December 2009 to January 2012, there were more than 60 protests or rally highly rejecting the presence of RAPP on Padang Island with a resistance, centred in Padang, Selatpanjang, Pekanbaru and Jakarta. Communities and farmers fought the case because Padang Island constitutes a peat island which is very vulnerable to monoculture plants.

In December 2010, RAPP entered the Tanjung Padang Village to construct a dock even though the boundary issue has not

been settled. The community refused such action because the boundary system was unclear and the community's livelihoods having been processed for decades, were threatened. At the beginning of 2011, when the protest was not noticed, the RAPP continued their next process of preparing heavy equipment to build canals. Such action sparked a tension with the community and became an ammunition for the residents of Padang Island to launch their resistance. Since the RAPP began their planning to secretly put heavy equipment to build canals, protests and resistance as well as sabotage from citizens had increasingly appeared. All access to the pier, as a heavy equipment entrance, was supervised by the public. Said that, with police escort, RAPP managed to put in heavy equipment to build canals on Padang Island.

The entry of the RAPP by carrying heavy equipment to the island of Padang without heeding the protests of the residents caused the situation to heat up. In fact, RAPP is not only against the community but at the same time underestimates the resistance of citizens. The situation provoked widespread public protest. M Ridwan, one of the resistance leaders said, "We continue



to coordinate between villages, even almost all village heads whose community land was affected by RAPP, became part of our movement, as the RAPP did not budge with our protests.”

In mid-April 2011, eight RAPP excavator units that made it into the island of Padang destroyed mangrove forests and natural/peat forests to begin the construction of the canal. This activity increased the tension of Pulau Padang residents who had been taking action for months, but as a result, RAPP continued to operate. This action came into a new phase of open resistance, because the RAPP has been unmoved by citizen protests and has never explained the land boundaries as demanded by citizens.

With the commencement of the RAPP operation, there was also a new round of open conflict between the people of Padang Island versus the RAPP and employees of the company. In May 2011, something feared by many parties occurred; sabotage and burning, which could not be avoided and, even caused casualties for the company.

In the aftermath of the firing, the police conducted sweeping and arrested several community of leaders - farmers. Seventeen people were arrested and tried in Bengkalis and 24 residents became wanted. However, such arrests did not dampen their resistance, precisely to the Padang Island peasant movement

Yahya alias Kutik and his wife Purwati, when protesting by sewing action of the mouth in front of the MPR/DPR RI Building, Jakarta, December 20, 2011 (Photo source: Lovina)

who showed themselves being more vigorous. Their method of resistance has changed. In addition to the demonstrations that were still being carried out, as well as lobbies in Pekanbaru and Jakarta, including reckless action by conducting “lip-sewing actions” by M. Ridwan, Sulatra, Sapridin, Khusaini, and Soim, et al.

On December 27, 2011, the Minister of Forestry opened a space by forming a Mediation Team to solve the Padang Island issue. One result, the Minister of Forestry revised the total concession area given to RAPP, from ± 41,205 ha to ± 34,000 ha. But the residents still refused because the amount of land that belongs to the community was still included in the concession area.

The Padang Island community insists that RAPP must leave Padang Island because they have seen the company as a real threat. The peak of the resistance occurred in July 2012, when a desperate action plan would be carried out in Jakarta, namely the act of self-immolation in front of the palace. Six residents of Padang Island left for Jakarta and were ready to carry out

self-immolation. The action was then foiled, and they returned safely to Padang Island.

Since February 2013, RAPP officially “won” and continued to build wood “plantations” (acacia) on the island of Padang. Since then, the community has not resisted because several activists were arrested by security forces in early February 2013, including M. Ridwan and Muis who had been accompanying the community to take action. Such arrest of Ridwan et al. had caused “community resistance to cease” because the RAPP threatened them to fight if residents would not stop their actions from blocking the RAPP operation in Padang Island. (*M. Nazir Salim*)

Seizure of Fishermen's Land in Pari Island by the State for Corporations (1982-2018)



The Pari Island fishing land conflict has been going on for more than 30 years, at least since the manipulative practices of seizure by the state apparatus which began in 1982. The problem became complicated when the state apparatus transferred land ownership to individual entrepreneurs in the period 1989-1991. Along with the transfer of land, the entrepreneur distributed the ownership of the land to dozens of people who were family, relatives, employees and business associates of each of the parcels of land purchased. The plots of land were then concentrated through the mechanism of the formation of a consortium named PT Bumipari Griyanusa in 1991.

In 2014 distributed lands were submitted to North Jakarta BPN to be granted a titling of ownership. There were 76 plots of land which later obtained rights after submission, namely: 14 fields obtaining building rights on behalf of PT Bumipari Griya Nusa and PT Bumi Pari Asri (two companies whose owners are the same); 62 fields of obtaining property rights; and 3 have not been certified but have been submitted by one name, the owner

of the company PT Bumipari Griyanusa, Pintarso Adijanto.

The process of issuing rights by the North Jakarta BPN was finally deemed maladministrated by the Indonesian Ombudsman in the Final Report on Research Results (according to complaints from Pari Island residents to the Ombudsman in 2017) in March 2018 because the process of issuing the rights occurred, caused by two mistakes: a) Misuse of authority by the Office North Jakarta Land so that there is a monopoly on ownership and transfer of land functions; b) Deviation of procedures in the issuance of SHGB and SHM; and c) Abandonment of legal obligations because they do not evaluate the obligations of rights holders. (*Yoppie Christian*)

Chronology of agrarian conflicts in Pari Island:	
1900	The initial generation occupied Pari as a garden land, the land shifts its mastery according to the utilization.
1960	For the first time there was a land record, the residents got a land certificate in form of girik (Letter C).
1982	The village staff had drawn the girik of the residents for the purpose of bleaching, but the girik never returned.
1991	The company transferred the people of Pari to Tidung Island but failed since out of 90 families, only 16 who were willing to move to Tidung. Of the 16 families, 9 families returned to Pari.
1992	There was a claim from a company called PT Bumi Pari Asri that 90% of the land in Pari was their property and they had already purchased the land through an intermediary of the sub-district. They said that such has been recorded in the district.
1993	Upon the complaints of the Pari residents, DPRD and the Governor of DKI Jakarta assessed that the actions of PT, transferring the people without the permission of the provincial government and acquiring the land in Pari, as illegal. They did not have SP3L (Letter of Approval on the Principle of Land Acquisition) and SIPPT (Permit for Appointment of Land Use). Thus, the claim case did not continue.
2007	The company placed security forces on the island which caused several cases of tension between security and residents.
2010	Pari Island residents initiated Pari as a new tourist island. This has the support of the village head and regent at that time, residents manage tourism in Pari Island by themselves. They have formed beach management group with a distribution system leading to social funds.
2015	<ul style="list-style-type: none"> • Edy Priyadi, the first criminalized resident as he was considered to have taken possession of PT's land based on a new HGB issued by the North Jakarta Land Office. Edy was sentenced to 4-month detention in Salemba (in 2017). • The police station was established with company funds for the placement of police as a security because of frequent friction between the security of PT and residents. • The same year, PT BGN presented the master plan for island development, to be completed with villas and hotels to the Thousand Islands District Government's Administration on the basis of, being the rightful owner of lands in Pari Island.
2016	Three beach tourism managers were criminalized with charges of extortion against beach visitors to pay an entrance fee of Rp. 5,000, as considered to be illegal. After being detained 4 months for examination, the people were found guilty and sentenced to 6 months in prison. However, they appealed.
2017	Complaining to the Office of the President's Staff, National Commission on Human Rights, KKP, ATR/BPN although without results, residents complained to the Indonesian Ombudsman (April 2017) on the land administration case, involving the North Jakarta Land Office.
April 2018	The Final Report of the ORI Research Results shows that there is maladministration in the issuance of rights granted to PT and individuals in PT (a total of 76 rights), ORI recommends: 1) Head of Regional Office of DKI BPN, to evaluate the issuance of 62 SHM and 14 HGB; 2) Inspectorate General of ATR / BPN, to audit North Jakarta Land Office; 3) DKI Jakarta Provincial Government, to return Pari Island designation as a settlement island according to DKI's RT/RW and Fisherman Protection Law; 4) DKI Jakarta Provincial Government and DKI BPN Regional Office, to re-register people's lands to be granted ownership rights; 5) DKI Jakarta Provincial Government, to conduct an inventory of government assets in all islands in the Thousand Islands; and 6) To carry out corrective actions in accordance with the LAHP recommendations as a whole.
2018	Another person was criminalized for allegedly grabbing PT's Land. He is the Chairperson of the Neighborhood/RW, as a public figure who is critical of the land grabbing on the island. He also organized the community resistance in Pari Island Care Forum and built a network of resistance and legal defense in the form of "Saving Island of Pari in Coalition with elements of NGOs and legal aid agencies". The process of conflict, criminalization, community division between pro and anti-PT, security and police persuasion and intimidation, and claims continue to occur.

Lapindo Mudflow in Porong, East Java (2006)

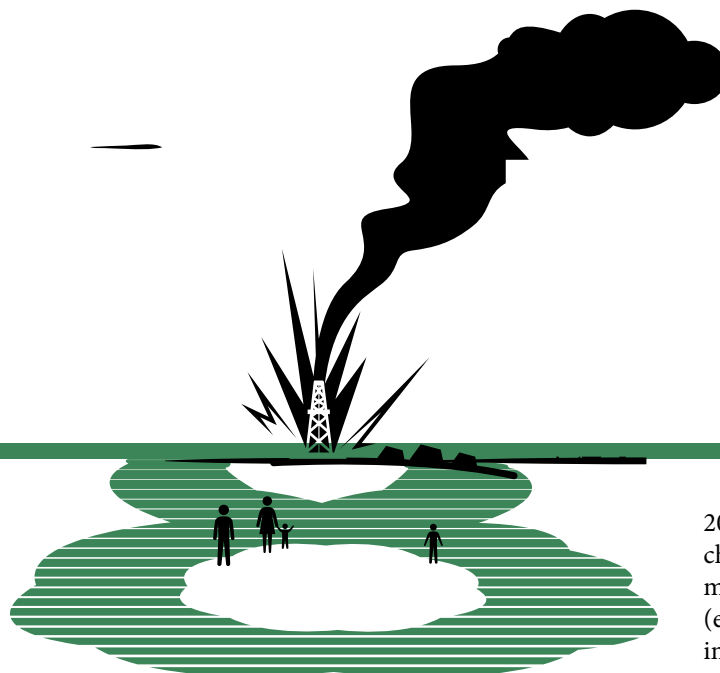


Early morning of May 29, 2006, a burst of gas and hot mud was detected in the middle of paddy field adjacent to Lapindo Brantas's drilling well of Banjar Panji 1. Geologists name this phenomenon as a 'mud-volcano' and it scores the highest eruption rate for such on earth, up to 180,000-meter cubic per-day. There has been an ongoing debate about the cause of the mudflow to erupt: by the company's drilling activity, by an earthquake, or by a combination of both drilling and earthquake. Nonetheless, all geologists agree to one condition, that Porong is a perfect spot for the birth of a mud-volcano. Until now, it has submerged c. 800-hectare area in 15 villages in three districts and been causing more land issues resulting from the relocation of residential areas and public facilities (including the Porong-Gempol highway and tollway, the backbone of east Javanese economy).

The mudflow becomes more a political matter rather than a natural disaster. Lapindo is a company owned by Bakrie & Brothers, whom its leading figure Aburizal Bakrie was the Co-ordination Minister of People's Welfare in the ruling cabinet at the time of the incident occurred. Bakrie & Brothers owned half

of Lapindo's share, the other half was shared by Medco (32%) and Santos (12%). Until May 2016, Aburizal was the chief of the largest political party in Indonesia at the time (Golkar) and very ambitious for his run in 2014 presidency. However, the mudflow was seen as his 'political sins' and no party was willing to support his candidacy. Nonetheless, Aburizal's position in the government was valued as very significant in steering the mudflow politics. Schiller, Lucas, & Sulistiyanto (2008) argue that former president Yudhoyono never had the gut to push Lapindo to take all the responsibility because Aburizal was one of the major donors of his 2004 & 2009 presidential campaigns. It is obvious then if Lapindo, through direct or indirect instructions of Aburizal, has tried to reduce its liabilities in the mudflow hazard.

In September 2006, the president established Tim Nasional Penanggulangan Semburan Lumpur Panas di Sidoarjo (National team for mudflow mitigation in Sidoarjo; 'Timnas') by issuing a Presidential Decree (13/2006). Timnas performance was very problematic for the inclusion of Lapindo's General Manager in the team and the decision for Lapindo to cover all expenses in



performing three main tasks: to shut the mud eruption off, to control the mudflow, and to overcome the social problems. Timnas was never working in a context of disaster management, but rather in mining industry accident with a total monetary control from a private company.

In April 2007, the president replaced Timnas with Badan Penanggulangan Lumpur Sidoarjo (Sidoarjo mudflow mitigation agency; 'BPLS') by issuing a Presidential Regulation (14/2007). The regulation compelled Lapindo to purchase land and buildings, which were included in the impacted area map (dated on March 22, 2007). As the mudflow is getting larger, the impacted areas are also expanding. To response such facts, they were five times amendments of the initial Presidential Regulation 14/2007. They are on July 17, 2008 (No. 48/2008), on September 23, 2009 (No. 40/2009), on September 27, 2011 (No. 68/2011), on April 5, 2012 (No. 37/2012), and on May 8,

2013 (No. 33/2013). The major change in each regulation was mainly focused on the revision (enlargement) of the mudflow impacted zone and the government shall purchase land and building within it (Article 15). The 2009 regulation mentioned a small, yet substantial change of Article 9c regarding the task of BPLS operational division. In the original 2007 regulation it was written, 'to perform operational management to control mud eruption conducted by Lapindo Brantas' (my translation and emphasis). In the 2009 regulation, the phrase 'conducted by Lapindo Brantas' was removed.

In March 2017, a new Presidential Regulation (21/2017) was issued to deprive BPLS and replace it with a new body: Pusat Pengendalian Lumpur Sidoarjo (Centre for Sidoarjo mudflow control; 'PPLS'). The centre is working under the Directorate of Water Management, the Ministry of Public Works and Housings. This means that the mudflow management will focus more



on the physical rather than the societal issues.

The disaster politics by the government has resulted in the formation of social groups in Porong, which can be categorized into three: the 'inside map victims', 'outside map victims', and the 'non-victims'. 'Inside map victims' (korban dalam peta) are those whose land and houses are included in the map of March 22, 2007 and received compensation money from Lapindo. 'Outside map victims' (korban luar peta) are people whose land and/or house was included in the uninhabitable area (area tidak layak huni) that grew gradually in 2008, 2009, 2012, and 2013. They are called the 'outside map' (luar peta) because they are not yet included in the initial March 22 map and receive compensation money from the government, instead of Lapindo. The 'non-victims' category consists of people who still live surrounding of disaster zone without a legal status as 'victim'. They are not entitled to be recompensed by the government and/or Lapindo for living in degraded environment.

Michael (2009, 74) depicts other problems resulted from the unstoppable mudflow, such as land subsidence, huge mud crater, dried mud, Brantas River basin pollution, river ecosystem damage, and human health problems. Catur Nusantara (2010) from Walhi argues that the mud contains hazardous, dangerous, and toxic waste material. Knowing this, it has been flowed to the Madura Strait through the Porong River which triggers more social and ecological issues in the river's catchment areas as well as the strait. Public health surrounding the mud lake is another issue since more and more people have been reported to experience respiratory problems as consequence of breathing dirty air from the dust of the dried mud. Unfortunately, as the government only concerns with how to pay the remaining compensation and other physical management of the mudflow and surrounding, the people in Porong have to deal with and survive from these multidimensional impacts of the mudflow by themselves. (Anton Novenanto)

The mudflow is, however, not the only problem occurs. Mc-

Conflict between 'Suku Anak Dalam' and PT Asiatic Persada

Conflict between 'Suku Anak Dalam' and PT Asiatic Persada is an ongoing conflict occurring, even until today:

► In 1986, a timber company called Asiatik Masor Corporation (AMC) began their operations in Bahar River region, Batanghari. Given that the period of timber exploitation at this location has come to an end, PT AMC therefore applied for a permission to cultivate the land as oil palm, rubber and cocoa plantations. Several subsidiaries were formed, one of which was PT Bangun Desa Utama (BDU).

In 1986, PT Bangun Desa Utama received the principle permit of HGU based on the Decree of the Minister of Home Affairs dated September 1, 1986 with a Decree Number 46/HGU/DA/86

► In 1987 an HGU certificate was issued on May 20, 1987. The land reserved by the Governor of Jambi to be managed by PT BDU was around 40,000 ha at that time. Apparently, the Ministry of Forestry only released 27,150 ha of principle

permits. When inventoried by the National Land Agency, the area of land issued by the HGU permit and declared eligible to be managed as a plantation area of 20,000 ha. The remaining number of 7,150 ha in principle was issued by the minister, then the governor granted the land to two other companies under the name of Wilmar Group namely, PT Jammer Tulen and PT Maju Perkasa Sawit.

► In 1989, the company displaced three hamlets, namely Tanah Menang, Pinang Tinggi and Padang Salak. Many people were forced to move because they were displaced or fled due to pressures from the company.

► In 1992, PT BDU changed its name to PT Asiatic Persada through a Decree of Approval from the Minister of Justice No. C2.4726.HT.01.04 of 1992. PT Asiatic Persada operates in the border area of Batanghari Regency and Muaro Jambi Regency or precisely in Bungku Village, Bajubang Subdistrict, Batanghari Regency, Jambi Province. The owner of PT Asiatic Persada itself continued to change as well, starting from Andi

Senangsyah through his holding company namely, Asiatic Mas Corporation, CDC, Cargill, and finally, owned by Wilmar International Plantation, based in Singapore.

► In 2011, there were eviction attempts in Sungai Beruang area, Muaro Jambi Regency.

► In 2014, Batanghari District Head Decree No. 180 2014 was issued on the resolution of the conflict between PT Asiatic Persada and SAD, through a pattern of 2000 ha. However, the 2000 ha pattern is considered detrimental to SAD residents. There were many problems in the 2000 ha partnership area, both the problem of unclear data of citizens and several part of an area included in the status of Limited Production Forest (HPT).

► In 2016, there was an Instruction Letter of the Minister of Agrarian Affairs No. 1373/020/III/ 2016 concerning the Settlement of the SAD Case by referring to the stipulation of communal law on the land of indigenous people.

► In 2018, there has been no continuation of the case resolution.

(Dwi Wulan Pujiriyani)



Agrarian Conflict in Gowa Regency

Introduction

The following chronology describes important events occurred on PT Inhutani's land in Gowa Regency. PT Inhutani received a 18,000 Ha HGU area management concession in 1984 when the concession owner, PT Pabrik kertas Gowa started going out of business. The transfer of concession land management has eliminated a great number of farmers. Therefore, they moved to the city, went as migrant workers or became farm laborers in the village.

As unsettling aspects appearing in post-reform of PT Inhutani as well as PTPN XIV, numerous people began to reclaim the lands which were under the concession. This matter created conflicts. During the occupation in 2002, some farmers were arrested by officers. This conflict continued to occur although latently the Inhutani-managed areas have been cultivated in de-facto manner and the yields were taken by the people, they have been endlessly hungry for a land as they have had loss of arable lands for decades.

Chronology

In the 1960s, concessions of lands in these two subdistricts were granted to Pabrik Kertas Gowa (PKG). PKG took bamboo and woods having been used as raw material for making paper from the natural forests. Such activities resulted in a decrease in the number of bamboo trees and certain woods. And yet, they have not changed the overall landscape of the sub-district.

In 1982-1984, Pabrik kertas Gowa began to go bankrupt and could no longer operate. On the other hand, the forest areas that were included in their concession rights, in the form of natural wood and bamboo forests for paper raw materials, started to be abandoned. This symptom was read as an opportunity by other state-owned companies which intended to take concession rights on this sufficiently large area and to reach 2 sub-districts, namely Parangloe and Manuju Districts.

In 1984, PTPN XIV Takalar received concession on flat lands which formerly belonged to Gowa Paper Factory/Pabrik Kertas



Gowa (PKG) in Parangloe District. Most of them located in the villages of Belabori, Belapunranga, Bontokassi and Borissallo. However, the land which is rather high and more sloping was given the concession to PT Inhutani.

In 1984, Inhutani obtained concessions for forests in hill and slope areas in Belapunranga, Bontokassi, Belabori and Borissallo villages for Borissallo district and Manuju sub-district, Sapaya and Tamalate villages in Manuju District. The total area of the concession was approximately 18,000 Ha. It was in these areas that later the location of timber forest plantations for PT Inhutani had been used for acacia plants.

In 1986, PT Inhutani conducted the Clearing and began planting Acacia in the concession areas that were handed over to them. This was where the process of forest monoculture began as well as the landscape of the region in two sub-districts included as concession area. All forests which were once used to contain various types of wood and fruit plants, had turned into acacia forests.

In 1986, the handing over of land to PT Inhutani, was attended directly by President Suharto and its inauguration had been carried out directly by President Soeharto in December 1986, which also marked the commemoration of the 27th National Planting Week.

In 1999, a great forest fires incident happened in Inhutani concession lands. Numerous forest fires which took place in the concession area of PT Inhutani allowed the company's management to provide opportunities for people to plant and maintain the forests of PT Inhutani with intercropped, such as coffee, corn and cassava among the main trees of the company.

In 2000, there was a financial crisis in the body of PT Inhutani. This was clearly recorded in the memory of several former workers who could sense that they were only doing the job as formalities without having any clear program from the company. Operational costs for forest management dramatically dropped and many areas began to be neglected. Part of the area where the company's control functions began to diminish,

gradually began to be cleared and replanted by farmers who claimed and agreed upon by the general public - as their parents' former management land.

In 2001 was the culmination of the crisis in PT Inhutani's body. A policy of pruning large numbers of workers had to be issued by giving early retirement or called early retirement. It was in this year that Many Inhutani Employees Retired Early due to company policies to reduce workers and to return to being farmers in Inhutani concessions and aside from the concessions. These formerly large numbers of employees were the ones giving the community, a picture regarding such crisis in Inhutani and therefore, the community-managed lands within the Inhutani area would immediately be re-managed by them as Inhutani started going out of business.

In 2002, a massive wave of downsizing occurred again in 2002. This year, many Inhutani employees had also been retired early to address the increasingly unclear programs of the company as well as stagnant financial circulation within the company.

In 2003, the HGU concession owned by the PTPN XIV company had depleted, thus many farmers demanded to take over the lands, including PTPN concessions which were no longer cultivated by them. A large demonstration ensued as followed by a massive occupation of PTPN XIV Takalar's concession lands. During this demonstration and occupation, there were a number of intimidations by the company against the people by involving several numbers of Brimob to the concession areas. However, the wider community who had been angry at the two companies' land centralization policy for about 30 years, managed to force the occupation and excluded the police force after several days in the concession.

In 2003, some residents were arrested as considered to have become provocateurs of the demonstrations and occupations carried out widely by the community.

In 2004, almost all of the concession lands owned by PTPN XIV Takalar have been occupied by the community and its rights have been sought to be upgraded to certified land. Some



have succeeded in making improvements and others have not succeeded because the BPN began identifying the land as state-owned HGU concessions given to the company.

In 2010, a rather prominent symptom and showing an increase in tenure security was the issuance of SPT/PBB for lands managed by the residents although the forest belonged to Inhutani and the plantation area was owned by PTPN XIV Takalar.

In 2012, two Mamminasata lanes were opened, this road crosses the Belapunranga and Belabori villages. This marked the integration of this rural area into the development scheme of the Mamminasata city combining and building the structure of the main city centered in Makassar and supported by the regency of Gowa, Maros and Takalar. Ever since, the land in this village started to become the target of investors, especially investors in the property sector dealing with housing projects or selling of plots of land.

In 2013, land developers who bought and sold land in two

villages of the PT Inhutani concession area began to bloom, namely Bela Bori and Belapunranga.

In 2014, plans for the construction of a seed hall in Belabori and the construction of a wood processing factory in Borissallo and the Inhutani tree rejuvenation plan had become a scourge for people who considered that the Inhutani program or any form of it was unnecessary since almost half of the land has been occupied by residents. People became anxious and very vigilant as they were worried that PT Inhutani would resume its activities which have slightly become passive ever since 2002.

In 2017, the felling of acacia trees and plant renewal plans were rejected by many people. This rejection continues to this day. (*Imamul Hak*)

In addition, in Belapunranga village, the average agricultural land ownership by farmers until 2014 was only 0.7 hectares. See a complete view on the given table:

No	Name of Farmer Group	Total Area of Land (Ha)	Average land of a farmer family (Ha)
1	Belakarya I	35.70	1.42
2	Belakarya II	25.65	1.02
3	Maju	33.40	1.33
4	Allukeke	38.60	1.544
5	Sejahtera	22.35	0.89
6	Labbakkang	17.00	0.68
7	Pappareang	17.90	0.71
8	Batu Sipong	15.85	0.63
9	Panaikang	7.17	0.28
10	Dampang Moko	20.43	0.81
11	Tambung Batua	11.25	0.45
12	Jabon Mentari	23.90	0.95
13	Terpadu	9.40	0.37
14	Harapan Baru	13.75	0.55
15	Abbulosibatang	3.35	0.13
	Total	295.70	0.78

Data above may still be added due to high level of stability in Belapunranga Village. Those farmers conducting farm work, without owning a land are around 24.89%.

Agrarian Emergency in Sulawesi Selatan Illegal Operation of PTPN XIV in Enrekang



1. PTPN XIV's operating area in two sub-districts: Maiwa and Cendana with a total of HGU covering an area of 5,230 ha

2. Chronology:

1973: PT Bina Mulia Ternak (BMT) obtained an HGU concession for cattle farming for 30 years.

1996: PT BMT was merged into PTPN XIV, then the business was transferred to cassava (tapioca) plantations.

2001: Enrekang Regency Government rejected the extension of PTPN XIV's HGU permit because it did not contribute to the region and to the community as it considered to be detrimental. Many of the company's land has been left abandoned since it was not well-managed.

2003: The HGU permit expired. Residents processed the ex-HGU land for corn and rice plantations.

2012: Land allocation was made to ex-HGU of PTPN XIV based on Perda No. 14 of 2011 concerning the Neighborhood/RTRW of Enrekang Regency in 2011-2031 out of a total area of 5,230 ha, leaving 1,220 ha location of plantations, including:

- PTPN XIV and the Enrekang Regency Government agreed to issue 2,230 ha for school buildings, purification of PDAM water and camp grounds.
- A luxurious villa owned by the former Sidrap Regent, Rusdi Masse, located in Mario Village, Sidrap Regency covering 422 ha and standing on the land of ex-HGU PTPN XIV.
- Location of Enrekang Regency botanical garden covering 300 ha.
- Breeding Center of Technopark Unhas which covers 400 ha.

2014-2015: Corporate capital reorganization: holding PTPN XIV - PTPN III and changing the Maroangin-Keera unit into oil

palm plantations in Enrekang and Wajo Regencies.

2016: Palm nurseries within the people's management area in Maroangin. Farmers were deceived as it was stated that palm nurseries for plantations were located in Luwu.

2017: The company planted oil palm in Maroangin. Farmers whose land was seized, protested and resisted the seizure.

PTPN XIV planted oil, in between the corn crops and rice which belong to the community. This method minimizes the budget for land clearing but is detrimental to farmers who own the plant.

Accompanied by Walhi and KPA South Sulawesi, residents agreed to form an organization and declared the Massenrem-pulu Farmers Union.

2018: Rice fields and plants owned by Pak Rahim and Pak Jufri were damaged using an excavator, while they were ready to

harvest. As a result, the source for family food was lost. The destruction of the residents' crops was reported to the Maiwa District Police but the reporting of the residents has not been followed up, even until now.

Residents who fought as their fields and paddy were destroyed, had then been terrorized and intimidated by Brimob.

On August 2, 2018, PTPN XIV issued a circular regarding the eradication of pests that damage oil palm plants. Pests were referred to the residents' cattle. Meanwhile, it should have been noticed that cattle is one of the economic supports for the residents.

In July, PTPN XIV was escorted by the Mobile Brigade Corps/ Brimob to carry out land clearing and destructing agrarian sources of farmers in Botto Mallangga Village, Maiwa District, Enrekang. PTPN's activity has violated the law as it had damaged people's crops and did not taken into account the recommendation of the Enrekang District DPRD Special Committee team, calling for all oil palm planting and development activities



Chronology of Conflict Between PTPN XIV and Takalar Residents

in the ex-HGU area to be suspended (moratorium) until the issuance of concession permits.

In August, accompanied by KPA South Sulawesi, the Massenrempulu Farmers' Union held a general meeting to formulate structure of the peasant organization and to elect the chairperson as well as management of the organization. (*Muhammad Ridha*)

Chronology of the Struggle of Takalar Peasants and Advocacy Agenda

1978-1979: Land acquisition was conducted by PT Madu Baru in accordance with Regent SK Takalar's Decree Number 24/Kpts/1978, claiming that 1000 ha of lands had been released (in fact, there was only 100 ha being released). The land acquisition was without proper compensation and accompanied by intimidation, terror, shooting, detention by TNI officers as well as accused as PKI sympathizers and even being murderer. The residents were also promised to have land recovery if the 25-year contract has expired.

1980-1983: PT Madu Baru sold assets to PTP XXIV-XXV (Persero). Decree of KDH District Head II Takalar of 1980 unilaterally determined that the compensation value to the residents shall amount to Rp 60/m². However, such matter was rejected by the land owners because there was no agreement from them and the compensation value was unfair. The lands owned in Block I of Komara Village by 522 people with an area of land

acquired 162.4768 ha, supposedly have a compulsory compensation costs of Rp 47,949,080 and yet, has only been paid for Rp 35,960,169.

1984-1998: The land of the peasants was taken over and made into sugar cane plantations by PTPN XIV Takalar Sugar Factory. The people who protested the plantations were arrested and intimidated by reason of obstructing the construction and accused of being sympathizers of the ICP/PKI. As a result, some people left the village or went to the city to look for work as construction workers. The area of land controlled by PTPN XIV in Kabupaten Takalar was approximately 728.5 ha.

1999-2000: Towards the end of the HGU permit, the Paccelek-kang community in North Polongbangkeng sub-district moved to occupy the sugar cane land, by building tents and working on the land, then planting cassavas.

2005: People in Lantang Village, South Polongbangkeng

Subdistrict occupied \pm 100 ha of sugar cane and planted hybrid corn.

2007: When PTPN XIV's HGU permit has ended in 2007, farmers in Moncongkomba and Cakkura Villages, North Polongbangkeng Sub-district, began occupying the land by setting and placing livestock. Communities in eleven villages succeeded to make a reclaim. Out of 6,728,15 ha of the total area of HGU concessions outside of the HGB owned by PTPN XIV, around 1,000 ha were re-controlled by farmers in eleven villages.

2008: On 29 September 2008 Takalar District Head, Ibrahim Rewa, issued circular letter Number: 500/4001/Ekonomi/2008, extending the HGU of Takalar Sugar Factory covering 4,562.95 ha for 25 years from 2024, comprising 11 villages scattered in North Polongbangkeng Subdistrict and South Polongbangkeng District.

Communities in eleven villages in North and South Polong-



bangkeng conducted a series of actions in the Takalar DPRD. Takalar DPRD asked people to control sugar cane land after the harvest time.

South Sulawesi Police Mobile Brigade officers drove cattle from Pakkawa in the sugar cane plantations in block S of Parangluara Village. The action was protested by the residents and there was a shooting incident which wounded 4 residents.

People's Solidarity Against Violence (Sorak) consolidated to denounce the violence of the South Sulawesi Police Mobile Brigade apparatus. The meeting agreed to launch mass action and provide advocacy for Takalar residents.

2009: The shooting incident in Massamaturu, residents were face-to-face with PTPN employees as well as police (Police and Brimob). There were shooting incidents against 7 residents.

The police arrested 5 residents and 1 student. The police also confiscated the victim's motorcycle, cellphone, camcorder and

megaphone.

LBH Makassar, Kontras and a number of community representatives conducted an audience with the South Sulawesi Regional Police Chief. The Regional Police Chief suggested the residents to officially report embezzlement of funds and criminalization against residents.

Around 300 residents set a dispute land and argued with PTPN XIV employees.

2010-2013: Actions to prevent residents from clearing the land by PTPN get people's resistance in the form of road blocking.

PTPN was escorted by Brimob, army, Takalar DPRD leaders and Takalar District Government. In December 2013, Brimob officers repeatedly fired on a blockade of residents and there was a wounded resident due to a hit from the apparatus.

2014: PTPN XIV offered members of the Polombangkeng

Chronology of Conflict Related to Work Unit of PTPN XIV in Wajo Regency, South Sulawesi Province

Farmers Union a partnership scheme, but most members refused the scheme of partnership.

2015: In the evening, PTPN XIV escorted by Brimob, demolished the land and destroyed 48 ha of ready-to-harvest crops belong to the people with an estimated loss of Rp. 1 billion.

2016: A number of representatives of residents had a meeting with Commission A of South Sulawesi Province DPRD to urge resolving the agrarian conflict with PTPN XIV in Takalar. The results of the meeting which were not attended by the Takalar Regency Government and BPN, namely Commission A, had promised to send letter to the Governor regarding the complaints. (*Muhammad Ridha*)

1972: PT Bina Mulia Ternak (PT BMT) had taken over farmers' land in Pitumpanua District (now, Keera Sub-district) along with compensations (most of which, was not received by the residents), among others; lands in Bekkae and Benceng-bencenge villages received compensation of Rp. 25 million, in Keera Village Rp. 12.5 million, while in Awota Village, the amount of Rp. 12 million.

1973: PT BMT expanded the concession to Maniang Pajo District (now, included in Gilireng Sub-district) with a 25-year contract period without compensation. From the PTPN XIV certificate, it was stated that the PT BMT HGU Keera unit area was 12,170 ha with a period, starting from 30 June 1973 to 30 June 2003.

1982: The Minister of Agriculture established an area of 3,615,154 ha in the PT BMT HGU as a forest area and relocation of residents.

1996-1997: PT BMT, PTPN XXVIII, and PTPN XXXII were



merged into PTPN XIV based on PP No. 19 of 1996 and the decision of the Minister of Agrarian Affairs/Head of BPN No. 2-VI-1997 on Permits to Change Land Utilization from livestock into oil palm plantations.

1997-1998: The people were fighting against Ambo Bawang and Ambo Mawa due to the expiration of the PTPN XIV contract but they had not stopped their activities. Dg. Parani, Dg. Matase, Juanda, and Halim were detained for 41 days without trial.

2000: Around 300 residents took action of cutting down the trees at the location of PTPN XIV and it has ended with the reporting of the Forestry Service on charges of encroaching on the forest area. Thus, four residents were sentenced to three months in prison.

2002: Ten residents took action to burn oil palm plants. This action resulted in 5 people being arrested and sentenced to 2.5 months in prison.

2003: June 30, PTPN XIV's concession rights (HGU) has ended in accordance with the stipulation on June 30, 1973. However, PTPN XIV's activities still continue (even until now) although without the extension of HGU.

2010: On April 23, a meeting between the Wajo Regency DPRD, PTPN XIV, BPN, Police as well as Regent Government and residents of the United People's Forum at the Wajo Regency DPRD Building, resulted in agreements, as follows: 1) PTPN XIV is to stop the expansion and planting activities in the concession area PTPN XIV, 2) The public is permitted to manage the land seized by PTPN XIV without any conditions, 3) Police officers and PTPN XIV are not justified in disturbing the people who enter to manage their land. After the meeting, it was found that PTPN XIV carried out illegal operations and committed law violations as their ongoing activities, have been conducted without HGU since 2003.

2012: Residents demonstrated in PTPN XIV because of oil palm cultivation activities on an area of 4,000 ha. The lands were

abandoned or unproductive. This matter violated the agreement of previous meeting held in 2010.

2013

a. On April, 30, there was a coordination meeting in South Sulawesi Regional Police which produced agreements, namely: 1) PTPN XIV was willing to release 1,934 ha of land in Cironmanie Village (Cenranae and Bontomare Hamlet) to Wajo District Government, 2) Keera District Community which was incorporated in the United People's Forum was allowed to cultivate 1,934 land ha, the release will be carried out by the Ministry of BUMN and Wajo District Government. The community also guaranteed not to control more than 1,934 ha of land and did not interfere with PTPN XIV's activities on an area of 6,000 ha, 3) Keera District Community who occupied Mess PTPN XIV Keera Unit would leave the occupation site after the agreement was signed.

b. 6 May, the issue of a joint agreement (dated 30 April 2013)

was attended by the Head of Criminal Investigation Division of the Indonesian National Police Headquarters Maj. Gen. Pol. Sutarman, Wabup Wajo, Commander of VII Wirabuan, BPN Kab. Wajo, Head of Regional Office of South Sulawesi Province, Regency Government of Wajo, Managing Director of PTPN XIV and residents.

c. June 7, there was audience of residents and the Ministry of State-Owned Enterprises in Jakarta regarding the release of 1,934 ha of land which was then re-implemented on June 11, 2013, after the Ministry of SOE had returned from South Sulawesi.

d. On June 24, the United People's Forum demonstrated at the Board of Directors of PTPN Ujung Pandang and South Sulawesi Regional Police demanding the withdrawal of Brimob personnel at the location of lands since May 28, 2013.

Bayung Lencir: Portrait of The Defeat of Forest Farmers



2014:

a. In May, residents along with the South Sulawesi PTPN Monitoring Alliance had a protest on the violence of Brimob members against the residents.

b. On June 4, residents were represented by the village head in Keera Subdistrict having an audience with the Minister of SOE, Dahlan Iskan, in relation to the violation of a joint agreement (30 April 2013) by PTPN XIV. Residents submitted documents of the joint agreement to Dahlan Iskan. (*Muhammad Ridha*)

Overlapping land functions have proven how forests, as a space, are the production locus. The forests in Musi Banyuasin, South Sumatra, are a portrait of space that is commodified for business purposes. With the objective of improving regional economic growth, the regional government has issued new permits and extended old licenses, including expansion of concessions. Issuance of license by the central government - when regional autonomy was given to local governments, has been made to global business companies, either according to HTI or other schemes and constituted an opening key for defining space to have new commodities. Licensing procedures under the regional autonomy scheme were carried out in various ways, ranging from technical matters such as the 'one-stop service' program, to various substantial relief. Substantial relief for example, reducing the conditions required to obtain permits, the management period is shorter and more efficient, incentives and subsidies for investors and prospective investors, discounts, even tax exemptions and levies, ease of land acquisition through land acquisition schemes, facilitating Extractive companies to obtain financial support from banks and/or other financial in-

stitutions (including, unsecured loans), to government interference in reducing turmoil among the residents who are resistant to these investment programs.

The regulation also applies from land clearing to post-production. The ease of obtaining or extending licensing has an impact on creating overlapping land functions since the changes are displayed as commodities. In Musi Banyuasin Regency, there are often overlapping functions of the land, namely between forests with industrial forest status, forest with conservation forest status, oil palm plantation area, oil and gas mining area, and also coal mining area. The overlapping of area has occurred, is occurring and was left for a dozen years.

Tenure conflicts often occurred, even among them were open conflicts. Authorities issued by the government for extractive companies that commodify everything in the forest ultimately confirms the view that the forest has become a production locus. When the forest has become a production locus, the exploitation authority will be in the hands of companies obtain-

ing permits from the government. The problem is, the government that has the authority to issue permits is very ignorant, and does not even have control and sanctions for violations and no consideration on the companies' greed in exploiting forests. In addition, the permit was issued for overlapping designations, among HTI, HGU plantations, conservation and mining. Bayung Lencir is a portrait where the problems are stacked together.

At first, the government transferred people into Bayung Lencir forest to cultivate lands that have been partially degraded due to the exploitation of HPH (commodification of natural forest trees). In addition, transmigrants local "forest" farmers have long been creating forest space for their livelihood and survival needs. They -both transmigrants and local farmers- have cultivated the forests to be a place of living having feasibility to be occupied. Said that, government decisions, namely in issuing license to companies having orientation to create Bayung Lencir forest a commodity (not for a living), has resulted in a fight regarding the utilization of forest space with the farmers. The



presence of these companies has changed the use of forest space into a private ownership, while “forest” farmers used to cultivate the forest as an open space. In that conflict, companies create a mode of looting on forest farmers’ land, disposing of waste into rivers and ditches, burning forests without controlling the spread of fire, destroying hills into landslides due to mining, and causing anger to animals due to engine noise pollution and food loss.

During the conflict, the company used legitimacy means in the form of issued permits to win their fight against forest farmers. Ecological damage to forests and loss of lands for forest farmers had placed forest farmers in a losing position. Forests have become the locus of production for commodity goods (capitalist companies), and are no longer the locus of production for survival (forest farmers and animals). The defeated forest farmer then moved to Bayung Lencir city to open a shop or to sell retail goods. Some of them, remained in the forest to open stalls and to rent rooms in their homes for company employees. Some, eventually hope to become workers of the capitalist com-

pany. As for those who have been resisting until today, are under unclear decision: either won or defeated in a trial and in the political will of the local government. It could be that those who fight finally follow the footsteps of other forest farmers, moving out of the forest - because they have no more agricultural land - whether they are laborers or retailers. Bayung Lencir bears a pile of stories of defeat of forest farmers who fought against capitalist companies – which have been supported by the government (*Vegitya Ramadhani Putri*)

Land Conflict in Nusantara Village

The dynamics of agrarian struggle happening for a decade began to falter, one of which was because of exhaustion of the fighters and the absence of female fighters for land sovereignty in Nusantara Village, South Sumatra. Nusantara Village, as located in Air Sugihan Subdistrict, is one of the sub-districts in Ogan Komering Ilir (OKI). District with an area of 259,300 ha consisting of 19 villages. Nusantara Village is the only remaining village and one which continues to refuse the presence of companies in their village.

The land conflict in the Nusantara Village arose from the issuance of the principle permit by the OKI Regional Government in 2005 to a palm oil company called Sawit Agro Makmur (SAM) whose territory also covers the Nusantara Village area. Starting in September 2007 there were heavy equipments, in the form of dredgers, sent to Nusantara Village. The heavy equipment entered the land through Line 29. Initially, the heavy equipment was declared as a shipment from the Department of Public Works to build an irrigation channel. Thus, the tool

could start digging the land. However, a week after the operation, it turned out that the heavy equipment operator claimed the tool was not from the Public Works Department but the Sawit Agro Makmur company. Therefore, the Residents refused the use of the heavy equipment in their lands and asked the operators to stop processing the land. After the arrival of the first heavy equipment in September 2007, another heavy equipments continued to arrive to the disputed area. Therefore, the residents put their attempts to stop them from coming. Throughout this period, farmers were intimidated by the police. Some peasant forum administrators were also summoned by the police, even though they were not detained. When residents continued to refuse, the OKI Regional Government actually issued a HGU to SAM in 2009 on the 1,200 ha of disputed land in Nusantara Village. (*Vegitya R. Putri and Trya Adhelia*)

Struggle of Prigi Village Women



As a corridor for the national production and processing of agricultural as well as granary production centred in the Masterplan for the Acceleration of Indonesian Economic Development (MP3EI), Sumatra Island, especially South Sumatra, is now flooded with industrial forest (HTI) and mining areas. This is one of the causes of the social ecological crisis in villages, including in Prigi Village, OKI Regency, South Sumatra Province. The village was able to maintain its resistance for up to 10 years which first occurred in 2005, the presence of PT APP's palm oil company engaging in HTI, especially oil palm and acacia. The majority of residents, both men and women, rejected the existence of oil palm companies until the most monumental event occurred in 2005.

Rejection by the community resulted in the loss of one soul, namely the village gangster who took side for the company. As a result, 27 farmers, mostly male and family heads from four villages, were imprisoned and some were sentenced to up to 2 years. This tense situation resulted in other farmers hiding in the forest for months. Prigi Village women then took on house-

hold roles and responsibilities without leaving their responsibilities to care for their family, in various ways due to obstacles they were facing.

By referring to the historical experience of resistance and the ability to maintain the fight over the homeland of Prigi Village, even to fight “against the PT” as a collective awareness. It has become a necessity and a fundamental matter to continue to care for women, who faithfully fight for their homeland, in the midst of stereotypes of women who are considered weak, in order to survive, regenerate, and inspire the struggle of other regional women in the face of socio-ecological crisis. (*Vegitya R. Putri and Trya Adhelia*)



Under Privileges Umbrella: Agrarian Conflict in Yogyakarta

Agrarian Policy

Issuance of Law No. 13 of 2012 concerning the Privileges of DIY (Law on DIY Privileges) reaffirms the position of the Sultanate lands and the Pakualaman Duchy in the Special Region of Yogyakarta, in the meaning of self-governing land, as governed by abolished colonial rules (*domein verklaring*), namely *Rijksblad van Kasultanan* No. 16 years 1918 and *Rijksblad van Kadipaten* No. 18 of 1918. The two *Rijksblad* claimed that all land in the Sultanate's territory and the Pakualaman Duchy which were not bound by the eigendom rights (ownership rights according to *Agrarische Wet 1870*), became the property of the Sultanate (*Sultanaat Grond, SG*) and the Duchy of Pakualaman (*Pakualamanaat Grond, PAG*) as Swapraja Legal Entities. The abolition of the two *Rijksblad* was based on DIY Regional Regulation No. 5 of 1954 concerning Land Rights in DIY; Law No. 5 of 1960 concerning Basic Principles on Agrarian Affairs (*UUPA 1960*); PP No 224 of 1961 concerning the Implementation of Land Distribution and Giving of Compensation; Presidential Decree No. 33 of 1984 concerning Comprehensive Enforcement of Law

No. 5 of 1960 in DIY which has been retroactively effective since April 1, 1984; Decree of the Minister of Home Affairs No. 66 of 1984 concerning the Comprehensive Enforcement of Law No. 5 of 1960 in DIY; and DIY Regional Regulation No. 3 of 1984 concerning Comprehensive Enforcement of Law No. 5 of 1960 in DIY.

The impact of DIY Privileges Law is to change the status of state land; village land; land for building rights on state land; land of use rights on state land; and property rights, become the land owned by the Sultanate or the Pakualaman Kadipaten as a private legal entity whose functions, are regulated as cultural heritage, not government institutions in the territory of the Republic of Indonesia. The report of the DIY 2017 Land and Spatial Service Office. 10.67% of the total areas of DIY is officially the property of the two private legal entities for the time being. Law on DIY *lex specialis* and *lex posteriori* Privileges are from the Regional Government Law, not the 1960 BAL; Spatial Planning Law as well as other laws. The Sultanate and the Pakualaman Duchy as formed by the DIY Privileges Law, are different legal



subjects from the Sultanate and Duchy formed by the colonial government, the land title certificates of the two private legal entities have shown the proof. The boundaries and identities of swaprja institutions as non-traditional institutions and/or important customary law communities must be regulated in the Law. Restrictions on the control and ownership of land, on the subject of rights must be done that there is no land monopoly and control over the lands.

The DIY Privileges Law has also been used as a pretext for ethnic and racial discrimination in land policy. In DIY, certain ethnic Indonesian citizens are categorized as non-native or foreign-born according to Staatsblad 1917 (vreemde oosterlingen) and Staatsblad 1849. As a result, they are not allowed to own land rights according to the Instruction of the DIY Regional Head No K898/I/A/1975 concerning the Uniformity of the Policy for the Granting of Land Rights to a Non-Indigenous Indonesian Citizen. The instruction was maintained by the Governor of DIY and the National Land Agency in the district and province of DIY; although the instruction was considered

by the Human Rights Commission to be contrary to the Republic of Indonesia's Basic Law; UUPA 1960; Human Rights Law; Indonesian Citizenship Law and the Law on the Elimination of Racial and Ethnic Discrimination. Revocation of these instructions was followed by the enforcement of Article 7 and Article 17 of the BAL 1960 into a solution that has not been decided by the government.

Agrarian Conflict

Since 1980, coastal farming has developed on the coast of Kulonprogo, making this region the district's food storage and attracting young people (migrant workers) to go home and farm. On January 25, 2011, PT Angkasa Pura I (Persero, PT API) collaborated with GVK Power & Infrastructure (India) investors in building a New Yogyakarta International Airport (NYIA) mega project on the coast of Kulonprogo. The location of the NYIA candidate comprising six villages namely, Jangkaran (1,681 people); Glagah (2,720 people); Sindutan (2,003 inhabitants); Palihan (2,164 people); Kebonrejo (1,317 inhabit-

ants) and Temon Kulon (1,616 inhabitants), having certified status of citizens' rights.

In 2012, Law No. 2 of 2012 and Law No. 13 of 2012 have been applied effectively. As a result, all village land and part of the land on the coast of Kulonprogo are claimed to have been legitimately owned by the Pakualaman Duchy (Pakualamanaat Grond, PAG), to be easily released for the NYIA runway. Land acquisition for NYIA was carried out by consignment, even though the conditions were not fulfilled, namely because: the residents did not occupy the land; land in ownership disputes; land was guaranteed in the bank; land was confiscated by the state; and citizens object to the form and amount of compensation offered and must be proven by written documents.

Since 2012, the attitudes of citizens in six villages have been divided into: receiving NYIA; accepting NYIA with certain terms and refusing NYIA unconditionally. Land acquisition was carried out by dividing the citizens, those who received NYIA were encouraged by PT AP I to sue their families who refused NYIA. NYIA recipient residents occupy relocation land by buying village land (200 m², 500 thousand-800 thousand/m²) and building self-help, even though the relocation land only has a status of Right to Build (HGB)/rights under PAG.

In 2015, the Location Determination Permit (IPL) was the basis for land acquisition; land use (construction); and land clearing (eviction) has been issued by the Governor of DIY. IPL was sued by citizens through PTUN because it did not comply with DIY Regional Regulation No. 4 of 2010 which regulates the

coastal area of Kulonprogo, an agricultural area, not for other purpose. At the district court level, the citizens won and yet, lost at the Supreme Court level since the NYIA argumentation was a national strategic project. Special Regulation No. 2 of 2017 regulates the PAG layout to be issued therefore the majority of NYIA locations have become the domain of Pakualaman Duchy.

On October 17, 2017 the Indonesian Legal Aid Foundation found the fact that PT AP I's EIA document was legally flawed. NYIA's location, especially PAG, does not match its designation because it is a geological protected area from the tsunami. Throughout 2017, the consignment over the lands owned by the rejecting residents was requested by PT AP I and decided by the Wates District Court. This was used as the reason for PT Perusahaan Listrik Negara (PT PLN); PT AP I and the police to conduct electric power cuts and to seize electricity meters; destruction of the house; change of some and one-house plants; and violence against citizens who defend their rights on 27 November to 5 December 2017. For the events of 27-29 November 2017, the Ombudsman of the Republic of Indonesia representatives of DIY have issued the Report of Investigation No. 0911/LM/XI/2017/YOG, the contents included that PT PLN, PT AP I, and the police have carried out maladministration because the consignment did not fulfill the requirements.

In 2018, DIY Governor Decree No. 49/KEP/201 states that IPL has reached its expiry date as of 31 March 2018. Although such expiration and the consignment was legally flawed, land clearing continued to be conducted on 28 June-20 July 2018. (*Jogja Agrarian Emergency Movement / Jogja Darurat Agraria*)



DISPARITY BETWEEN LAND TENURE SYSTEM & LAND OWNERSHIP DURING THE NEW ORDER REGIME TO THE REFORM ERA

1967

The New Order regime kept the Basic Agrarian Law No. 6 of 1960 on ice that led to a disparity between land tenurial and land ownership structures.

Land tenure during the New Order era was characterised by the way land was acquired: people had to buy the land to have land tenurial right. For example, in one district in Central Java three individuals were known to have 90 hectares of land that they acquired by buying them. However, they only used a part of the total land areas for farming. They leased out part of the land then or entered into sharecropping agreement with landless farmers/workers.

Landreform: from the nation's movement and agenda to program bureaucratisation.

Working Meeting of Head of Directorate of Agrarian Affairs from all provinces in Indonesia.

Photo credit: Penjuluh landreform



1973

The proportion of rural households who had no land in Cirebon was 70%, while Indramayu and Garut were respectively 51% and 37%.

1975

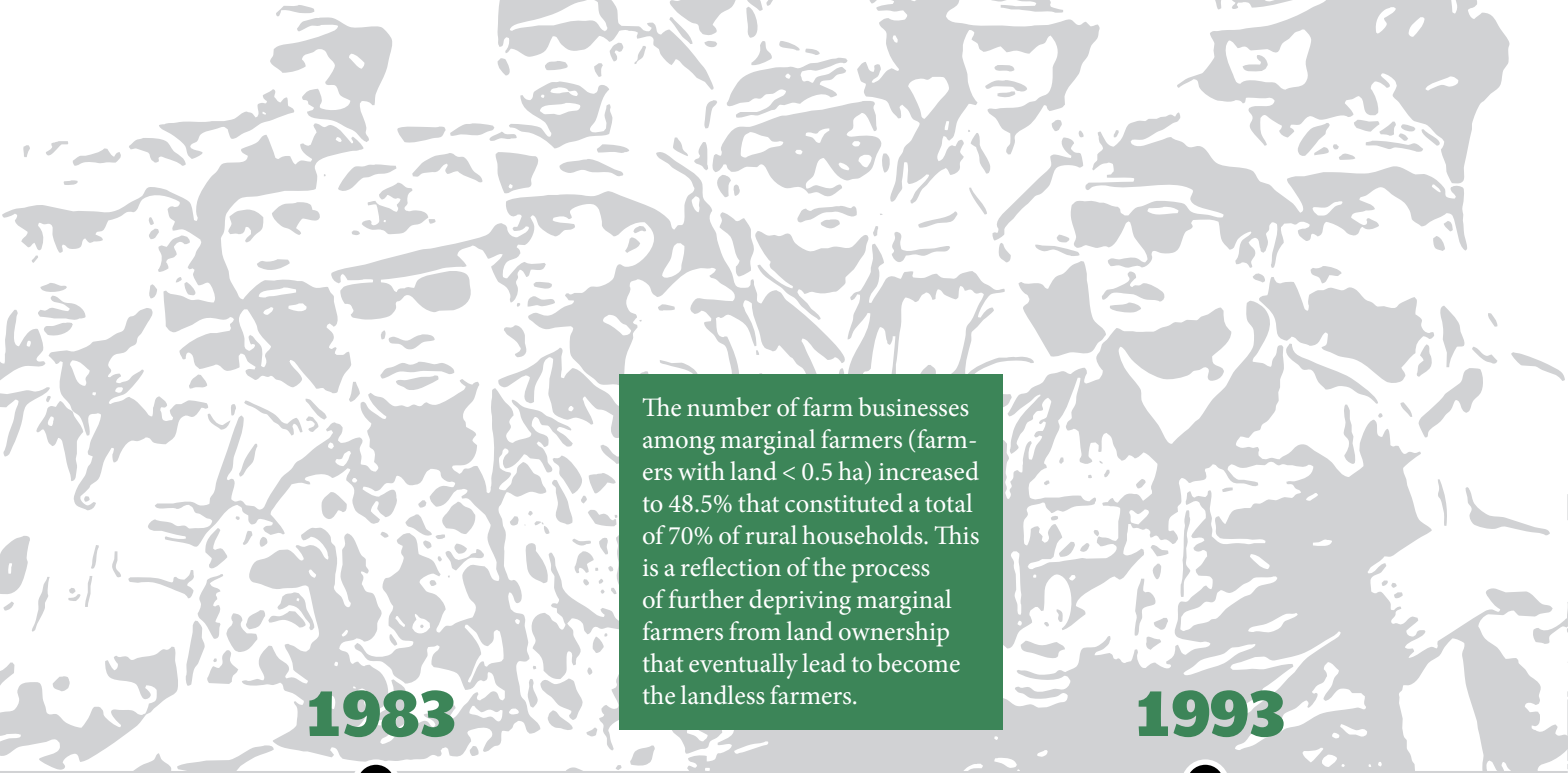
The number of farm workers or landless farmers kept increasing in areas along the Cimanuk Watershed, namely Cirebon, Indramayu, Sumedang, and Garut.

1978

Almost 50% or more villagers in lowland agricultural regions in Java did not own their own agricultural land. In addition, in lowland agricultural regions in Java, 10-20% of villagers owned 60-80% of agricultural land in the village, indicating an increase in the grouping between those who owned land and the landless. The disparity was obvious with the ownership of increasingly bigger size of agricultural land by a few people only. Only 20% of the population in lowland agricultural areas owned sufficient land to provide for their family while the remaining 80% did not own land or were marginal workers who found work

as farm labours to earn money.

Ownership of land by very limited population and the sale of agricultural products to people outside of the villages had made the *bawon* or sharecropping system to diminish. *Bawon* or sharecropping system is a traditional scheme that supports poor landless farmers. The disappearance of this system can reduce the village capacity to respond and provide food to the poor in the village in time of disaster.



1983

The number of farm businesses among marginal farmers (farmers with land < 0.5 ha) increased to 48.5% that constituted a total of 70% of rural households. This is a reflection of the process of further depriving marginal farmers from land ownership that eventually lead to become the landless farmers.

1993

The number of farm businesses among marginal farmers with less than 0.5 hectare of land reached 40.8%.

In 1993 the number of landless farmers was 69.8%, which increased to 74.9% in 2003. Such increase in the number of landless and marginal farmers happened faster in Java than outside of Java. In 1993 the number of landless farmers were 30.6% in outside of Java, which increased to 33.9% in 2003.



From Agrarian Reform to Green Revolution.

Presiden Soeharto and Tien Soeharto during a great harvest.

Photo credit: Kompas



**Land Reform and
General Election.**

*Farmers went on a strike in
Jakarta, 2004.*

*Photo credit: Jonathan
McIntosh*

2003

During the past 10 years
since 1993, the number
of landless farmers in-
creased by 2.6% annually
from 10.8 million to 13.7
million households.

THE HISTORY OF THE ESTABLISHMENT OF THE NATIONAL LAND AGENCY & LAND CERTIFICATION PROSESS



1960-64

When the Basic Agrarian Law started to be in effect, all regulations on land affairs including government regulations were still issued by the President and the Deputy Minister of Justice since Indonesia was still in an emergency state. In the third year of the implementation of the Law, a Department of Agrarian Affairs was established that was chaired by Sadjarwo. During that time agriculture and agrarian affairs were still under the Ministry of Agriculture and Agrarian Affairs.

In the same period in 1963, the Yogyakarta Academy of Agrarian Affairs was established specifically for agrarian affairs. Similar academy specialising in Land Registration was later established in Semarang in 1964.

1965

In 1965, the institutionalisation of agrarian affairs was separated from the Department of Agriculture - and an independent institution was established solely for agrarian affairs. During that time R. Hermanses was the Minister of Agriculture.

1968

In 1968, institutional changes took place concerning the agrarian policies in Indonesia. The institution that what we know now as the National Land Agency (BPN) was a Directorate General of Agrarian Affairs within the Department of Home Affairs.

During 1965-1990 opportunities to make changes concerning agrarian affairs were very limited. During this period, only institutional changes took place concerning the establishment of the two academies mentioned above.



The trajectory in the history of the establishment of the National Land Agency (*Badan Pertanahan Nasional/BPN*) was in fact an inseparable part of the land reform and enactment of the Basic Agrarian Law in 1960. During the early enactment of the Law, land and agrarian issues were still under the responsibility of the President. To enforce the Law, land registration was required as the basis for land distribution and redistribution. Land distribution and land data collection were two specific expertises that need to be learned and therefore the academies of agrarian affairs were established.

1983

In 1983, both academies in Yogyakarta and Semarang were integrated into one central academy in Yogyakarta that consisted of four major studies, namely Provision of Land Title, Land Use, Land Reform, and Land Registration.

*Land reform:
from the nation's
agenda to program
bureaucratization.*

Female land surveyors.

Photo credit: Penjuluh

Landreform

1989

In 1989, the management of the agrarian academies was transferred from the Department of Home Affairs to the National Land Agency.

1993

In 1993, the National Agrarian Academy changed its name to the National Agrarian College.

In the 1990s, institutional change took place and a separate institution was established, that is the State Ministry of Agrarian Affairs/ National Land Agency. Change in ministry leadership also took place from Soni Harsono to Hasan Basri Durin.

Srikandi² Agraria (Pendaftaran Tanah) jang bertugas didaerah Pare². Mereka adalah petugas² ukur jang tidak kalah gesitnja dari rekan² prijanja.

The land registration female staff in Pare-pare, who were equally skilful as their male counterparts.



2002

In 2002, institutional changes took place again and the National Land Agency became a state institution with ministerial level. During this period, BPN was led by Lutfi I. Nasution.

2005

In 2005 BPN was led by Joyo Winoto. Within the past 5 years, no institutional changes took place.



Certificate distribution.

President Susilo Bambang Yudhoyono distributed land certificates to 5141 households during the observation of National Agrarian Day at Bogor Presidential Palace, 21 October 2010.

Photo credit: president.sby.info

2010

The year 2010 witnessed an interesting policy. Since 2002, BPN has promoted a land registration program in Indonesia. The program was aimed at recognizing ownership to land and helping farmers feel secure in carrying on land-based production activities. The aim of achieving the utmost welfare and prosperity of the people from land resources was the legal certainty.

Such legal basis has provided the guarantee and protection concerning the relationship of the owners with their land. As a result, people felt safe in using their land to produce optimal yields. Legal certainty was achieved through land registration processes, that included infrastructure of survey, cadastral mapping, land plot registration, and land information system.

Land registration definitely plays strategic role in agrarian reform.


Data and information collection are crucial in ensuring reliable management of land affairs. Data and information on land affairs were collected at different levels to meet different aims. Data and information collection on land affairs should reflect the structure of land tenure, ownership, use, and utilization in an integrated and comprehensive manner in Indonesia.

To ensure good and appropriate collection of data on land, vertical and horizontal systems are required. The horizontal network of land information system involves 338 offices of land affairs in Indonesia. The vertical network of land

information system follows the hierarchy of the government administration from the national to the village level.

The last stage of land registration is the issuance of land certificated. Land certificate is the strongest prove of ownership to land. In general, the number of land plots that need to be certified is directly proportional to the number of population and the level of development in the respective region. Until 2004, a total of 31,153,622 land certificates had been issued.

LEADING FIGURES IN THE HISTORY OF AGRARIAN AFFAIRS From the 1915 Movement to the 2017

A horizontal band across the top of the page features a row of light gray silhouettes of people standing, with several green palm trees and a cluster of green bushes in front of them.

The idea of the reformation of the control of agrarian resources had been promoted way in advance by the founding fathers of the nation and was the demand of the nations that were newly liberated from colonialism. In the Asian and Middle East countries, the demand was the central political issue in anti-colonialism movement and during independence period. The struggle against capitalistic agrarian practices in Indonesia had been taking place since long. The struggle began with the movement led by Tjipto

Mangoenkoesoemo and was continued by Sukarno, Hatta, Tan Malaka, Iwa Kusumasumantri, Mochammad Tauchid and others. The struggle against capitalistic agrarian practices characterised the movement and the intellectualism during the pre-independence and independence periods as well as the reformation period. The following are the descriptions about the ideas and thoughts of the people in the movement and the founding fathers of the nation on agrarian issues.



TJIPTO MANGOENKOESOEMO

In 1917 and the next following years, Java was struck by famine. The increasing expansion of sugar cane cultivation with - on the other hand - decreasing areas for cultivation of food crops such as rice and gadung tuber was the root cause of the problem. In 1918, Tjipto Mangoenkoesoemo was appointed as the member of the People's Council (*Volksraad*). He bluntly attacked the *Directeur van Landbouw* or the Director of Agriculture who gave licenses to plantation companies to expand their business areas. Tjipto strongly stated that "The famine did not just fall from the sky. The outbreak of diseases have given the opportunities to you to put the blame on fate." Tjipto continued that "however, it is the government's fault for not finding the alternatives to provide food that is lacking as a result of insufficient import and cultivation."

In the middle of his speech, Tjipto pressed his demands to the *Directeur van Landbouw*, Nijverheid en Handel, on the following: first, the director must reduce the sugar cane estate acreage by more than twenty five percents because Tjipto considered a reduction by 25% was not enough; second, the director must promise to let people to freely grow gadung tuber after that.

At the end of his speech, Tjipto confirmed that, "I just want to show you that the immoral behaviour of accumulating wealth can only be possible by profiting from other people and harming their interest. To own a property is not sinful. I just want to emphasize that God created this earth for everyone and therefore it is against God's eternal law to provide give the privilege over the right to a vast tract of land to one person only."

S. DINGLEY

THE PEASANTS' MOVEMENT
in INDONESIA



R. L. PRAGER

IWA KUSUMASUMANTRI

In 1926 a book entitled *The Peasant's Movement in Indonesia* was published written by S. Dingley. S. Dingley was the pseudonym name of Iwa Kusumasumantri given by Muso. The book was originally written by Iwa Kusumasumantri in French. Iwa graduated from law school in Leiden, the Netherlands, and was once the Chair of the Indonesian Student Association (*Indonesische Vereeniging*) in the Netherlands in 1923. In 1925 he continued his study in Moscow. It was during his time in Moscow that he wrote about peasants struggle. The book contains the peasants' struggle and conflict against European plantation companies caused by the burden of tax. Iwa also discussed about extensive land proprietorship and the local "barons", Chinese loan sharks, and the Hajjis, as well as about uneducated peasants who were not aware of their political rights, and various experience about farmers organizations.

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Iwa regarded the history of colonialism in Indonesia as its trajectory of agrarian history and depicted various agrarian issues. The book depicted that actors, especially farmers, struggled in response to the capitalistic and feudal systems of controlling agrarian sources through exploitation. Iwa showed the different resistances in the Indonesian history that constituted the history in the peasants' struggle movement.

Iwa was arrested in 1929 and exiled to Banda Neira. Iwa was arrested not because of his book about peasants' movement but because of the misleading suspicion that Iwa was a dangerous communist just because he lived once in Moscow. After the Independence of Indonesia, Iwa became the minister of several ministries and the Rector of Padjajaran University in Bandung.



Sukarno: Indonesia Menggugat

Indonesia Menggugat (Indonesia Accuses) is actually Sukarno's defence oration during his trial at the District Court (*Landraad*) in Bandung in 1930. In his defence to the prosecutor, he accused the Dutch East Indies government to have exploited Indonesia since the 18th century. Many farm labour working in tea and coffee plantations in Priangan were forced to work without pay and instead million of Dutch guilders flowed to the Dutch treasury from the exploitation. Sukarno called the exploitation an old imperialism in the absence of adequate infrastructures to support the exploitation.

Sukarno also recalled the way the old imperialism worked. Until 1886, it was still common to find workers at coffee plantations receive daily a wage of only 4 or 5 cents a day while they needed 30 cents to keep on living. At the coffee estates, workers were

paid 4.5 Dutch guilder per year per household or approximately 90 cents per member of a household. A severe situation in Priangan was described by a writer named Vitalis. He recalled how people were so starving that they looked like walking skeleton and in such state of exhaustion died immediately after they ate the food given to them as advance payment of the produce they had to deliver later.

Sukarno also narrated further the impact of the old-imperialism type of exploitation. To avoid becoming the brutal target of the colonial government, people fled. Massive fleeing and displacement happened in big estates. They moved around from one village to another because that was the only way they could escape from misery.

Old imperialisme was increasingly suffering and



the new imperialism changed its place. The Dutch colonial government used an increasingly different approach to exploit the wealth of their colony. In response to such imperialism that only enrich the private capitalists, the Basic Agrarian Law and the de Wall Sugar Cane Law were approved by the Dutch Parliament (*Staten Generaal*) both in 1870.

Private capital flowed in into Indonesia and made sugar factories, tea and tobacco plantations. They brought with them managers for managing the companies. Private capital also opened various mining companies and network of railway companies for Java, Madura and Sumatra as well as ship company and network of ports across Indonesia.

The way they profited from their businesses had changed. But did the Indonesian people benefit any of the changes? “Not the least, my honourable

judges,” said Sukarno. Wealth was increasingly accumulated and sent back to the Netherlands, leaving Indonesia sucked dry. Sukarno said further that there were four basic approaches of modern imperialism. Under modern imperialism, he said, Indonesia became the permanent source of raw commodities. Secondly, Indonesia became the source of raw materials for European factories. Third, Indonesia became the market for the products of various foreign industries; and fourth, Indonesia became the area for exploitation of hundreds, thousands, and even millions of guilders of capital.

Strongly Sukarno said, “The sun rises not because the rooster crows; the rooster crows because the sun rises... (Our) movement will keep on growing and there is no doubt that we will achieve what we have envisioned, that is to achieve the independence of the Indonesian people from colonialisation.”



TAN MALAKA

“The *Goudland* or the Gold Land is heaven for the capitalists but sweat, deadly tears, and hell for the proletariat or wage earners... where strong disparity is found between capital and labour and the colonialist and the colonised.” (Tan Malaka, *From Jail to Jail*, Volume I)

Tan Malaka's thoughts about the history of agrarian affairs are similar to those of Iwa Kusumasumantri's and Sukarno's. He believes that the colonialisation of Indonesia originates from its agrarian history. Tan Malaka's ideas about the history of agrarian affairs in Indonesia can be found in his various works. His most important point is that to ensure the agrarian future of Indonesia, land and other agrarian resources must not be controlled by foreign capital investments. In a similar fashion, he believes that agrarian production must not depend on foreign capital.

The state must be in control of land and agrarian sources. Tan Malaka made this emphasis again in the early days of the independence of Indonesia. Foreign investment must not be allowed to lease land and control raw materials in Indonesia or otherwise, they would get in the way of Indonesian companies to progress. However good and industrious the scheme with foreign state is – with Indonesian capital as the intermediary, they would affect production and distribution in Indonesia and therefore would fail. We would be more than happy to exchange our products with machineries from overseas but we should be in control of the land, production, and distribution.

MOHAMMAD HATTA



“In principle, every citizen is allowed to own land in his/her place of residence or work, but not to own land as an object of trade.”

Hatta's ideas about agrarian affairs concerns with the right to land. He emphasised the importance of having the guarantee of sustainability in land tenure through recognition of the right to land. Hatta explained how land is central in production. The safety of the people is closely associated with the right to land. An agrarian country is in principle characterised by collectivity and communal work. Land belongs to the people. Every one is entitled to have as much land required to sustain the lives of their household. However, land should not be treated as a commodity and therefore is

not allowed to be traded.

Hatta's writing about right to land above was written in 1943 when he was providing advices to the committee that researched into customs and old governance. Furthermore Hatta stressed that destitution is triggered by individual extensive ownership to land. Social history has indicated that individual ownership of land in an agrarian state leads to feudalism. Further, feudalism leads to slavery. The law of history shows that feudalism is gradually replaced by capitalism. Capitalism means massive ownership of land, which became the resentment of most Indonesian people's movements.

To grant the right to land, three principles

should be abide by. First, land should belong to the farmers and their members of family who have tilled it. The people's right to farming land should be protected from exploitation and expropriation by the loan sharks. Controlling other people's land by collecting the yields on the basis of usury, debt bondage, and the like should be prohibited. Such harmful agreement should be revoked and land should be returned back to its former owner. Secondly, the law should contain the provision to forbid individual to have land of more than 5 hectares. Third, companies should be under the state's control or ownership to be able to control the land that affect the lives and livelihood of many people.



Sukarno: Landreform

On 17 August 1960, Sukarno delivered an address on land reform entitled “*Laksana Malaekat yang Menyerbu dari Langit, Jalannya Revolusi Kita (Jarek)* [Like angels striking from the sky, the March of Our Revolution].” In his address, Sukarno stresses two important points. First, land reform should strengthen and expand land ownership, especially among farmers. Second, implementing land reform does not necessarily mean communism. This is a matter of recognising the right to land. He emphasised:

“This is a very important progress in the Indonesian Revolution! The Indonesian revolution without Land Reform is just like a building without foundation, just like a tree without a trunk, just like big talk which is empty. The implementation of Land Reform means the implementation of an absolutely essen-

tial part of the Indonesian Revolution. The big talk about revolution, Indonesian socialism, people who are just and prosperous, and meeting the mandate of the people, would be like the nonsense chant of the medicine men in Tanah Abang or Pasar Senen market without the Land Reform.

At this point now, honourable Supreme Advisory Council (DPA), Land reform in one hand means the revocation of the rights of foreign companies and colonial concessions to land and gradually ending the exploitation of the Indonesian people, especially the peasants. The spirit of the Draft Basic Agrarian Law is also to free the Indonesian people from exploitation, especially the exploitation by foreign capital investments. Therefore, *eigendom* rights, the Dutch agrarian Law, *domein velklaring* and many others that the Dutch government issued should be



revoked.

When this Draft Law is enacted into the Law, we are one step ahead in the march of our Revolution. We are one step ahead to realise the mandate of the Indonesian people. Yes, land should not be used as the means for exploitation. Land is for the peasants! Land is for those who really till it! Land is not for those who sit around and become fat through exploiting the sweat of the people whom they order to till that soil!

Don't ever assume that the land reform that we are trying to achieve now is "the Communist"! We still have to recognise private ownership to land. People can own land and hand it down to their

generations! But a regulation should be enforced on how much land one can own: the maximum and minimum of land; and the right of ownership to land should be declared a social function where the State and the legal communities have superior authority over individual ownership.

This not Communism! I am not sure if people are aware that many non-communist countries have implemented land reform. Pakistan, Egypt, and Iran have implemented land reform! And the United Nations just recently said that "defects in Agrarian structure, and in particular systems of land tenure, prevent a rise in the standard of living of small farmers and agricultural labourers, and impede economic development."

For that reason, let's face land reform issues in a practical (*zakelijk*) and objective way as the absolute necessity in fulfilling the Mandate of the People and Revolution and not to address it with communism-phobia!"



KIAI HAJI ZAINUL ARIFIN (Ketua DPR-GR)

Address during the Assembly of the Gotong Royong Parliament (DPR-GR) on 14 September 1960 and the approval of the draft Basic Agrarian Law.

Opening Address:

Ladies and gentlemen, considering that during the preparation for the meeting of the joint commissions and during informal meetings, approval and consensus have been reached concerning not only on the basic principles but also changes in the formulation, and amendment between the DPR-GR and the government concerning this draft Law and in line with the considerations by the deliberation meeting committee and the opinions dur-

ing various informal meetings between the government and representatives from various groups, I recommend that the discussion in this pleno meeting on the draft Law to be conducted in one session only..."

Closing Address:

"... And just to remind you all, ladies and gentlemen, that during the negotiation on the Draft Basic Agrarian Law we have strongly adhered to the Political Manifesto of the Republic of Indonesia that President Sukarno has stressed on 17 August 1959 with an elucidation mandated to be delivered on 17 August 1960.

And we all, especially DPR-GR, have not only abided by the Declaration of Independence that has lacked the element of social justice or socialism, or the communist manifesto that deserves a spirit of refinement by God the Almighty; but we can strongly say that this draft basic agrarian law has been formulated with the spirit of Indonesia's socialism and God the Almighty. Ladies and gentlemen, I would like to congratulate us all. The meeting is adjourned."



MR. SADJARWO

The Opening Address of Mr. Sadjarwo, the Coordinator Ministry for Farm and Agrarian Compartment, during the DPR-GR assembly meeting on 12 September 1960.

“... Honourable Chairman, the struggle for the drastic change to the national agrarian law is closely associated with the history of the struggle of the Indonesian people to be free from the grip, influence, and the remains of colonialism; it is especially true with the struggle of the peasants to be free from the bridle of the

feudal system on land and the exploitation of foreign capital.

For that reason, land reform in Indonesia is inseparable from the National Revolution of Indonesia. A land reform aims at : (a) distributing the source of livelihood for peasants, that is land, in a fair manner ... to achieve social justice, (b) adhering the principle that land is for the peasants, to prevent land to become the object of speculation and exploitation, (c) strengthening and expanding private ownership to land among Indonesian people,

men and women, that serves as social function, (d) ending the landlordship system and revoking massive and unlimited ownership and control over land ... eliminating the systems of liberalism and capitalism over the control of land, and providing the protection to the economically marginalised, (e) increasing national production and promoting intensive agriculture through collective and communal system in the form of a cooperative and other collective forms, to fulfil equal and just prosperity coupled with a credit

system specifically established for the peasants.

Honourable Chair, please allow me to present you with the basic characteristics of this Draft Basic Agrarian Law. First, the Government believes that the earth, water, atmosphere, and the wealth they contain are the blessings of God the Almighty to the Indonesian people as a unitary nation. ... For this reason, the thought of defending a territory for one's group or descendants should be prevented and any effort of making land



as the object of exploitation should be strictly prohibited. ... Secondly, in this Draft Basic Agrarian Law, customary (*adat*) law is the central basis. ... however, we must be aware as well that the *adat* law that we know now is in fact the results of the development that has also been affected by the colonial politics that in reality, ... only benefit certain small groups within the *adat* community. ... Therefore, the customary law that we are using as the basis of our struggle in formulating this Draft Law shall not be perceived as a frozen and archaic product of the old colonialisation; rather, it should be perceived as having

the spirit of communal collectivity, with the potential to develop by taking into account the elements of religious law and, being able to adapt with the call of the era.

I will mention the representatives here: representing the Nationalist are Mr. Soebagio Reksodipoero, Notosukardjo, Munadir, Soerachman and Soemanhadi Sastrowidjojo. From Moslem Group are H. A. Sjaichu, Maniudun Brodjotrano, Z. Imban, Nunung Kusnadi, Harsono Tjokroaminoto, Nja'Diwan and K.H. Musclich. From Christian and Catholic group are Frans Seda, M. Caley, Mooy, and

V.B.Saka. From the Communist group are Nungtjik A.R., R.P.R. Situmeang, Drs. J. Piry, and M.H. Loekman. From the Functional Group (Golongan Karya) are Sajuti Melik, Colonel Hasan Kasim, Asmu, Overste Achmad Sumadi, Major (Airforce) Soerja Argawisastra and Sjech Marhaban.... On behalf of the Government I would like to express my sincere gratitude to all institutions and individuals who have contributed their support and invaluable materials for the formulation of this Basic Agrarian Law.

(Sadjarwo was born in Solo, August, 3 1917, and member

of The Young of Indonesia (Indonesia Muda) in Solo. He was registered as student of AMS in Yogyakarta 1937-1940. Under Indonesia Muda and then PPPI, he formed Barisan Tani Indonesia/ Indonesian Peasants' Front (non-party) located in Yogyakarta and then he was selected as vice-chief of the organization. He was a member of Komite Nasional Pemerintah Daerah/ Committee of National Government for Madiun Region. Sadjarwo announced as the Ministry of Farm in 1950 and Coordinator Ministry for Farm and Agrarian Compartment in 1965).



THE SPIRIT OF PANCASILA IN THE FORMULATION OF THE BASIC AGRARIAN LAW 1960: THE ROLE OF THE AGRARIAN SECTION OF GADJAH MADA UNIVERSITY



Since established in 1949, Gadjah Mada University has been paying attention to agrarian issues with the opening of an Agrarian Section. This institution was chaired by Prof. Notonegoro and later co-chaired by Prof. Iman Soetiknjo. The involvement of this section started in 1958 when the Agrarian Department held a seminar on agrarian issues in Tretes, East Java. The seminar was a follow up of the draft Basic Agrarian Law developed by the State Committee for Agrarian Affairs (Soewahjo Committee) in 1958. During the seminar, the Section presented a paper entitled “Agrarian Guidelines and Basic Points that Should be Incorporated into a Basic Agrarian Law as the Basis for Agrarian Development in Indonesia.”

The Agrarian Section was also requested to make notes on the Draft Basic Agrarian Law. Study by UGM is necessary “to ensure an objective angle in science” (Letter of the Agrarian Ministry to the Agrarian Section of UGM, 4 July 1958 No. Unda/1/3/10). It was necessary to take into account the study of this Section considering the complexity of agrarian issues and the sensitivity in relation to the ideologies of the parties at that time. The Section was also responsible for examining the papers

in the Seminar in Tretes and collecting relevant materials to be used in the hearing activities to the government institutions, universities, and competent individuals.

The Section later was assigned to make the changes to the Draft Basic Agrarian Law by changing the systematics and formulation of the Draft as well as reducing and adding provisions developed by Soenarjo. Political dynamics really affected the process of the formulation of the Draft Law. The issuance of the Presidential Decree of 1959 followed by Cabinet change and the change of DPR-RI into DPR GR had all influenced the clarity of the work between the Section and the assigning government institution. Under the new Agrarian Ministry, Mr. Sadjarwo, the Draft Basic Agrarian Law was put into effect in 1960.

The main points of the Section are the “agrarian principles that do not violate the land law already prevailing within the *adat* law,” and the principle that “it should be a realization of the spiritual fundamentals of the state and ideals of the nation, i.e. Pancasila, and the vision of achieving a just and prosperous society.” Pancasila has become the main basis that continuously

referred to in the provisions of the Law. In addition, the Draft Law used the term “agraria(n)” but the draft Law only governed about land issues. The Section believed that “agraria(n)” means more than that and “should include the earth, water, natural wealth within dan also the space above the earth”. And therefore, the Section recommended that the Draft Law expanded the coverage of the objects in compliance with Article 33 Paragraph 3 of the Indonesian Constitution 1945.

The following recommendations by the Section were approved and integrated into the Basic Agrarian Law:

1. Two Basic Principles of the Basic Agrarian Law: the Law governs “agrarian affairs” in a wider sense and not only limited to land affairs, and the State’s Right of Control. The State’s Right of Control can be:

- a. Delegated to special regions and the *adat* law community
- b. Delegated in the form of use and tenure, as follows:

- Land tenure for: state’s interests; places of worships; centres of community life, social purposes, and prosperity; community production activities (agriculture, livestock farming, and fishery); development of industry, transmigration, and mining

- Land tenure/land ownership in the form of: Right to Ownership; Cultivation Use Right (HGU); Right to Use a Building (HGB); Right to Use; Right to Lease; Right to Clear Land; Right to Collect Products

2. Pancasila the state’s philosophy is the fundamental basis, with each of its Principles laid out in the Basic Agrarian Law. The Section’s interpretation of the Principles of Pancasila includes:

(Principle 1) the principle on the natural bond between human and the land;

(Principle 2) the principle on the recognition of private, collective and state control/ownership;

(Principle 3) the stipulation concerning Indonesian/foreign citizens and their respective rights;

(Principle 4 and 5) definition on public interest and maximum level of control/ownership, and the obligation to till/cultivate land actively and not to use it as a source of exploitation

Looking closely to the provisions of the Basic Agrarian Law No. 5 of 1960, it is obvious that the recommendations from the Section have been incorporated. The idea about the basic principles of a land law that is imagined as the “National Agrarian Politics of the Republic of Indonesia” that is free from colonisation and feudalism is very evident.

A key reflection from the above experience in relation to formulation of legislations (particularly Law) in Indonesia is that as the state’s fundamental philosophy that should be the source of spirit and reflected in provisions of legislations, Pancasila is often overlooked. Pancasila is more often memorised as the most supreme source of law but disappears and not used as the basis of legal drafting up to the law making, either in the preamble (desiring, observing, considering) and the body.



MOCHAMMAD TAUCHID

“Agrarian affairs (land affairs) concern the lives and livelihood of humans because land is the origin and source of food for humans. Competition for land means competition for food and therefore competition for the foundation of life. For this, people are willing to shed blood and sacrifice everything to continue living.

“What causes farmers to lead a miserable life? Why does agrarian production continue to decline? What makes the colonial government to increase the volume of import of rice?” Mochammad Tauchid had the clear answers to those questions in his book *Masalah Agraria Sebagai Masalah Penghidupan dan Kemakmuran Rakyat Indonesia* [Agrarian Issues: The Issues about the Livelihoods and Prosperity of the Indonesian People] (1952). Tauchid was the founder of the *Barisan Tani Indonesia* (BTI) peasant organisation in early November 1945 and member of the Regional Indonesian National Committee (KNID) of Yogyakarta.





To answer the questions above, without hesitation Tauchid points colonial agrarian politics as the root of all causes. It is the politics that guarantees the capital of foreign landlordship to grow into giant capital that get rid of the common people. All laws on land affairs have been made for the interest of politics, that is to provide manifold benefit to giant capital. Meanwhile, people have been left to adhere to obsolescent *adat* law and be burdened with heavy customs and *adat*. With the pretext of respect to the *adat* law, these burdensome *adat* and customs have been left to rule the people. No protection has been provided for the people to help them improve their lives. With the enforcement of the Western agrarian law in addition to the *adat* law, people have to bear the burden from both sides.

Abundant and cheap labour as well as fertile land had been the main cause of capital investment. As a result, in those regions, farming areas for food crops dwindled and people were increasingly pressured. It was in such densely populated regions that

capital was invested for plantation businesses. In the regions where land was limited, land was converted for plantations through the enforcement of *erfpacht*, concession and lease rights. No doubt that farmers left their narrow lands to change livelihoods somewhere else. Sometimes farmers pawned their land to loan sharks to get money to meet their need for food.

Other impacts of the agrarian politics that worked for the interest of foreign capital investment included food shortage. Rice production in Indonesia of 9,897,000 metric tons in the middle of the year before the war, 9,860,000 metric tons in 1949/1950, and 9,400,000 metric tons in 1950/1951 were not sufficient to meet the need for food for the Indonesian people. The government always imported rice on average 282,000 metric tons per year. During 1939, the volume of import was the biggest at 720,000 metric tons and 278,000 tons and 340,000 tons respectively in 1949 and 1950.



INA E. SLAMET

Ina E. Slamet is an anthropologist and expert in French Literature. During the 1960s, she was a lecturer at the Faculty of Law and Community and Faculty of Letters of the Indonesian University. Since taking office as the Head of the Cultural Anthropology Section of the Community Research Institution of the Faculty of Law of the Indonesian University, she focuses on participatory research, issues on marginality and farmers' struggle. She is even the first female scholar to research into rural lives, conduct participatory fieldwork and live with the farmers she is researching into. Unfortunately, such social commitment earned the suspicion of the New Order regime that she was ditched. She then lived in the Netherlands

for a long time and earned a doctorate degree. It was during this time in 1984 that she wrote the *Views and Strategies of the Indonesian Movement at the Eve of Its Annihilation in 1965-1966*. The writing examined the views and strategies of the *Barisan Tani Indonesia* peasant movement one night before they were annihilated. In her research, Ina made use the results of the research done by BTI cadres in the peasant communities in rural Java, Bali, Madura, and Lampung exactly before the 1965 tragedy.

"Impoverished farmers in Asia, Africa, and Latin America have been living under the shadow of feudalism, colonialism, and imperialism and have struggled

to demand for their part of the earth's increasingly accumulating wealth as a result of the progress in modern technology. This fact has been characterising the history of the world since the Second World War. It will all depend on one's view and his/her position in the society whether to fear, regret, hate or welcome such development. For us, I believe, there is a great reason take this seriously but happily. Indeed, however complicated, the rise of millions of rural populations, who are still now in poverty, will renew the face of the world. This is exactly what inspires us to struggle patiently and with perseverance and great understanding about the development of our fellow rural populations.... Finally, let's not forget the

Everyday Forms of Peasant Resistance

We talk about
pure science
about everyday resistance
of the farmers

Symptoms are explored
from their forms, frequency
target, degree and existence
contributing and blocking factors

It just came to my mind
a weird question
why should farmers resist
that would, by itself,
happen outside of the seminar

My mind wanders

if they resist
they are beaten, tortured and
massacred

If they surrender
millions will starve
and die in suffocation

die from lack of food
among abundant rice
turning yellow in the rice field
See, the poor
lose their mind
in getting the pie
from the wheels of development
that runs over what beneath it

I am in shock
I need to know
If the seminar can see

any alternative ways
from death and annihilation
from
accusation of subversion
or death from lack of nutrition
for those tens of millions of
lives
struggling with death
in South East Asia rural
(the object of the scientific
discussion
of this prominent seminar)

I am in shock again
Seminar comes out of emptiness
Some colleague resists and
gives a simple suggestion
to think reasonably
about a concrete problem

on a world with a name,
in daily language

I take a deep breath
Who knows that one day
real scientists
will rise
in a collective struggle
to fight against
bad premonition and day-
dreaming
The dream of freedom
hesitantly
kisses the forehead

(Ina E. Slamet, *Everyday Forms of
Peasant Resistance*, 1982)



sign of the times that the flame of agrarian revolution has spread among continents that if we are not willing, voluntarily and peacefully, to make a sound reform to the agrarian situation and rural society, it will be possible that we will be burnt by its flame.” (Ina E. Slamet, *Pokok-Pokok Pembangunan Pedesaan*, 1963)

In fact, society or groups of people are marginalised because of the process of centralising authorities to the national level, either in politics, economy, and culture (science, religion, ideology, language, art). Such marginalisation will lead to difficulty among the regions or groups of people in accessing resources at the national level and degrade their social position before the society at the national

level. However, being marginalised is not necessarily being isolated. Marginalisation does not only affect the population who lives far from the central government; those who are inhabitants of the slums in city centres and the government and economy can also suffer marginalisation. Maybe it will be more correct to call these later category as being oppressed because they suffer directly from the pressure and exploitation of power by the capital and state apparatus.

Marginalisation does not only happen to minority groups. The lowest layer of the majority whose elites are predominant in the centre of the power can also be marginalised from access to resources that bases authority. In addition, responses

to marginalisation can vary; people can fight, avoid, or survive with perseverance and creativeness although stagnation and apathy could also be possible.

Marginalisation can be the result of the flow of globalisation, especially foreign capitalism. Relatively isolated regions and ethnic groups are rich with resources that become the source of their misery when their habitats are destroyed rapidly by big and greedy capital using modern technology. Formal process of democracy does not help the marginalised but can on the other hand fact backfire to them. Democracy can be manipulated by the leaders and elites... if we want to help the democratisation processes, we need to use similar methods used in other vil-

lages; we need to identify the structure of the existing power and find and approach potential society groups.

Marginalisation in accessing control on production can be observed from the patterns of ownership and access to production infrastructure: who have access to or in control of land and what the requirements are to be able to use the land.” (Ina E. Slamet, *Yang Berkuasa, Yang Tersisih, Yang Tak Berdaya, Demokratisasi yang Bagaimana di Indonesia*, 2005)



BOEDI HARSONO

A book by Boedi Harsono entitled *Hukum Agraria Indonesia, Sejarah Pembentukan UUPA, Isi dan Pelaksanaannya, Jilid 1* [Indonesian Agrarian Law, The History of the Development of the Basic Agrarian Law, Provisions and Enforcement, Volume 1] has been widely used as the main reference in studying Agrarian Law. The book has been reprinted for many times. It is not surprising because Boedi Harsono is someone with the longest involvement in agrarian issues, especially in terms of legal aspect.

Boedi Harsono was born in Nganjuk on 3 May 1922. As long as he lives, Boedi Harsono has been building his career in agrarian field. After graduating from the Faculty of Law and Society Knowledge of the Indonesian University under the supervision of Prof. Djokosoetono, Boedi worked as the head of sub-district in Batu, Malang. During his term, he introduced apple trees, which have since been associated with Malang city. During this time also in 1951, Singgih Praptodihardjo – who was then the

Head of Agrarian Division of the Ministry of Home Affairs – offered him a position in Jakarta. Boedi accepted the offer.

Some of the cases that he handled during his work are: clash between the local community and the plantation in Tanjung Morawa, East Sumatra and dispute resolution concerning the occupation of plantation areas by the local community. Besides that, together with some officials of the Ministry of Home Affairs, Boedi formulated the Provisional Law No. 8 of 1954 on Resolution concerning the Use of Plantation Lands by Local Community. The Law was later finalised and enacted as the Law No. 1 of 1956. Boedi was also involved in the preparation for the nationalisation of plantation companies. His last assignment in the agrarian career was as the expert advisor to the Head of BPN for two periods.

One of his thoughts about the principles of Land Law contained in his book is as follows:

“Land Law is the entirety of legal provisions, written or unwritten, that govern control of the same object, that is the rights of tenure as an institution - on control to land

- provisions of the law, written or unwritten, that all have the object the same setting that is right - the right of tenure as an institution - the judiciary and as a legal relationship that is concrete, public and private, that can be prepared and studied systematically, until the whole as one that represents the system.



SAJOGYO

Therefore, Land Law is an independent Law and as an independent branch of law, it has its own place in the National Legal System. “

Indonesian Agrarian Reform covers 5 programs of Panca-programs, as follows:

1. Reform of agrarian law, 2. Revocation of the rights of foreign entities and colonial concessions to land, 3. Ending the feudal exploitation gradually, 4. Total change concerning land ownership and tenure and the legal relationship that is associated with land tenure, and 5. Planning of the supply, allocation, and use of the earth, water and natural wealth within collectively in accordance with each capacity.

His real name is Kampto Utomo. He changed his name in 1968. In 1964, Sajogyo was appointed the Rector of Bogor Agricultural Institute (IPB). However, one year later after the 30 September 1965 national tragedy, together with eleven other lecturers in IPB, Sajogyo was forced to resign by the New Order Regime.

After Indonesia gained independence, agricultural census was only conducted in 1963. Unfortunately, the results of the census did not reflect the micro agrarian conditions and changes among peasants community. The census did not even categorise people with less than 1000 m² of land as farmers. It means that the census failed to capture the fact that there were marginal farmers (farmers with <0.5 ha), especially considering that deprivation of ownership to land had started in the pre-colonial time.

As a result, as recommended by the Minister of Agrarian Affairs Sadjarwo, a research institution was established called the



Economic Agro Survey (SAE) under the Ministry of Agriculture, that was chaired by Prof. Dr. Ir. Sajogyo. The institution was established to conduct micro researches on the economic and social condition of the peasant community and to complement the result of the survey. As the founder of SAE, Sajogyo added that the institution was established to collect and conduct assessment of information concerning sources of agriculture and the condition of the peasant community in Indonesia. In addition, SAE also researched into government organisations, services, and programs in agriculture and agrarian issues in the past up to now at the national and local levels.

Sajogyo continues to work as a lecturer in IPB and conducts agrarian and rural researches. During the green revolution time, he dedicated his attention to this issue. In 1973, during the FAO seminar in Bangkok, he criticised how green revolution was carried out in Indonesia through his paper “Modernization without Development in Rural Java.” In the beginning of his paper, Sajogyo directly discussed about the inequality of land tenure and lack of land, two aspects that designers of green revolution

deliberately avoided. Further, Sajogyo confirmed that “green revolution” is the form of “modernisation” that improves the lives of “farmers” on the upper layer of the village while leaving behind marginal farmers and farm workers.

In the book, Sajogyo indicated that in 1963, among 66 millions population, 55% farms were under 0.5 hectare in size and 21% farms were above 1 ha. Such inequality was increasingly strengthened by green revolution.

Green revolution also undermined village institutions in uncertain mass (post 1965). Village institutions became the representatives of the authorities by implementing government programs instead of serving as organisations that mobilise and educate the community. The mass were not only uncertain in the political sphere but also in social and economic spheres when modernisation to the social work relationship takes place. As a result “client can no more go to many patrons to voice his/her opinions.”



Sajogyo's special characteristic is that he always puts an emphasis on the Dynamic of the Rural Marginalised in almost all of his books, about the struggle of these people in life and their effort to survive and improve their fate. Such concern is indeed his special feature as a scholar and not a mere graduate of high education. Humanity and Justice are the values that a scholar should possess within their heart.

Sajogyo contributed in unravelling methodological stagnation in assessing and measuring poverty, a crucial concept in economic and social study. Through the formulation that later is well known as the "Sajogyo Poverty Line", Sajogyo was capable of showing the diverse characteristic of the society and the reliability of assessment of poverty. Sajogyo poverty line was set in terms of the amount of consumption of food that is equivalent with the price of rice (rural-urban). He believed that poor households are those households that consume food "less than the price of 240kg of rice per year per capita in rural areas" or "369 kg per year in urban areas." Using this threshold, a rate of food sufficiency was calculated at 2,172 calories per person per

day. Anyone who cannot meet the above calories was considered poor. Using this threshold, in his study in 1973 Sajogyo found that the in urban areas, the poverty line was higher than the urban areas. This measurement of food sufficiency was later developed and adopted in government policies in enforcing the "food basket" package.

Beyond this poverty line, Sajogyo has helped identifying how "agrarian crisis" has in fact been the root cause of poverty. He was able to show that poverty is more a "consequence" rather than a "condition" or more an impact than a cause. Poverty, he believes, is not about "figures" but a "reality" that can be identified, found its cause and solved. He indicated that poverty is the consequence of various power that affects the lives of the farmers. The history and dynamics of poverty varies in its formation, durability, and also reproduction. These are the results of, first, inequality of the structure of control over land – leading to domination of one group over other, and the difficulty in accessing opportunities to develop multiple livelihoods for the lower layer of the peasant community in the absence of strong capital



(land). Non-farm sector in the rural areas and informal sector in the urban areas are different stories. It is not about expansion of economic production activities but rather marginalisation from the opportunity to open business and work in the formal/main sectors; *second*, many new changes in harvest system have led to the erosion of patron-client relationship that have served as social economic ties; *third*, the enforcement of government policies that are city biased and elites biased; *fourth*, absence of willingness in the part of the government politics in orienting the lower level of the society (the peasants). These have been the structural limits that constraint the movement of the lower level of the society, leading them to be trapped in the circle of poverty dubbed as the culture of poverty.

Within this context, Sajogyo believes the importance of orienting policies and development to reconstruct the structural limits. First, improvement of the structures of land tenure is necessary through the establishment of the Farm Labour Business Council (BUBT). Sajogyo's ideas of this Council are his resentment against the Villa Unit Cooperative (KUD) that he believed

use a top-down approach and village-elite biased. Sajogyo imagined the Council as the "collectification" of land tenure by marginal farmers. By this he meant that the government buys all land plots under 0.2 hectare and hands over the management of the land to the BUBT. Ben White once wrote about this and stated that "when asked why reintroducing the land reform again, Sajogyo said that it was meant to be trial balloons or testing the water for ideas." (Ben White, 2004). Together with his friend, Gunawan Wiradi, Sajogyo oversaw the reintroduction of the ideas about land reform and Agrarian Reform to be promoted as the basis of development in Indonesia. Secondly, Sajogyo is well known for criticising the capital-intensive and technology-intensive Green Revolution policy, which he believes would lead to "Modernization without Development." Sajogyo believes that instead of ensuring equal welfare among the society, including those at the lowest level, the program only reinforces the gap between the poor and the rich. As a result, a wave of labour involuntary movement from the rural areas took place. At the end of the 1980s Sajogyo coined his idea about the absorption of this excess of labour through the implementation of "rural industry".



Rural industry, he believes, is a policy that is oriented truly for the village community; it is not just about putting them as cheap labour. Sajogyo wrote this idea in his “*Delapan Jalur Pemerataan Plus* [Eightfold Plus Equity Development Strategies]”. The plus point here refers to the alternative “flow of logic” to the strategy. As sociologist and economist at the same time, Sajogyo has indeed demonstrated the extensive breadth of the study in agrarian affairs in Indonesia.



SEDIONO M.P. TJONDRONEGORO

Tjondronegoro graduated from his study in the Netherlands at the end of 1960. He joined Economic Agro Survey (SAE) in the early 1970s. One of his key assignments included the one as the Executive Secretary for the formulation of an interim report (1978) on “land issues.” During that time, the New Order regime revisited land issues in response to the pressure of various protests during the Malari Incident. The objective of the report was to maintain order and stability.

The report, which was submitted to President Soeharto, also recommended agrarian reform. However, Tjondronegoro witnessed that it was never implemented in Indonesia. He knew that the New Order regime did not have the slightest willingness to implement it despite the evident signs of accumulation of control of land in the hands of giant capital owners, the wide gap between the rich farmers and poor farmers, and lack of participation among farm workers and poor peasants. These signs were the result of the inability to absorb labour in the rural areas

as a consequence of the Green Revolution that brought with it modern technology that replaced manual labour or reduced the need for actual workers. This was very evident during the harvest stage where *derep* system (a system of using other farmers for harvesting rice paid by *bawon* or a share of the harvested rice) were replaced by the *tebas* (cash and carry) system where paid workers were used in limited number. The consequences included the diminishing traditional system of *derep* that had provided equity among traditional rural community. In fact, the *derep* system has helped the redistribution of agricultural food products through the labour and in-kind payment or *bawon* paid by the land owners. The wage system has eroded such traditional system and led to “incapacity to share”.

In the midst of rare literature on agrarian study in Indonesia, in the 1980s together with Gunawan Wiradi he edited a book entitled *Dua Abad Penguasaan Tanah* [Two Centuries of Land Control], which has since became the source of reference for



many people. His works, also the works of Sajogyo and Gunawan Wiradi, have become the source of reference and debate on and inseparable part of agrarian study in Indonesia. Together they are known as the Trio Agrarian Gurus from Bogor

Tjondronegoro was the ideological broker on Agrarian Reform agenda. In his view, “the implementation of agrarian reform, either in the share arrangement, land redistribution (land reform), arrangement of compensation and so on (should be managed) in a centralised, integral and simultaneous manner... It is necessary to be strict because in agrarian reform, anyone in control of land can find it unpleasant and a form of sacrifice.” (1981)

The idea was coined again when discussing about the implementation of the National Agrarian Reform Program (PPAN) in 2007. Tjondronegoro recommended the following strategies for implementation:

- Firm statement by the government that the Basic Agrarian Law No.5/1960 is used as the main reference

- Adjustment of the sectoral Laws related with the “earth, water and space, as well as the wealth within because sectoral laws are derivative laws

- The assignment of one government institution that has the authority as the coordinator among sectors during the implementation of the Agrarian Reform and Land Reform.

- Preparation during 2007-2010 by first establishing institutional systems at the national level down to the village level with their respective authorities and responsibilities.

- Readiness of the institutions, including all government apparatus in the bureaucracy, the police and army. Description and instructions are duly provided.

Failure to follow the above recommendations, according to Tjondronegoro, means the state’s fundamental denial as mentioned in his book “Negara Agraris Ingkari Agraria [Agrarian State in Denial of the Agrarian Affairs]”.



GUNAWAN WIRADI

Gunawan Wiradi is one of the 11 lecturers from IPB who were dismissed during the 1965 riot, a period full of defamation. However, for his consistency and contribution in the agrarian study in Indonesia, on 28 May 2009 Gunawan Wiradi was conferred with Doctor Honoris Causa degree (Dr. H.C.) from IPB for the Rural Sociology Field with a focus on Agrarian Study.

Without the role of Gunawan Wiradi, the term *reforma agraria* that derives from the Spanish word would not be known and popular among social movement activists, and later among researchers and university lecturers, as well as government officials and staff. Agrarian reform is a social movement and the basis of national development. This is what Gunawan Wiradi always emphasises and repeats in various national and international forums.

Gunawan Wiradi believes that Agrarian Reform is the basis of national development. He made comparative studies on other countries that have based their national developments on agrarian reform: Taiwan, South Korea, Japan, and India. The transformation of industrialist community to capitalist or socialist community has all been preceded by agrarian reform. Meanwhile, since the military authoritarian regime of Soeharto ruled, agrarian reform was avoided and replaced by the land market approach.

Question remains on how land reform should be performed. In his view, it should be conducted by relying on the power of the people or what is known as the land reform by leverage, a breakthrough in the structure of land control initiated by organised mass of farmers.



If the state does not show any goodwill for implementing a just restructuring in the control of land in the midst of the control of “political market” by capital owners, the people will demand for the political power to open their eyes that total reformation would not be meaningful without agrarian reform. And therefore, “reform that is based on the empowerment of the people is a must.”

Agrarian reform is a continued struggle. Each step forward should be protected, especially against the power of the free market emerging from expansive activities of trans-national companies. Bottom-up agrarian reform cannot be achieved in a short time. It requires a strong leadership and full support of the people. The program takes time because just like any other reform, it requires power. However, to ensure that people are not betrayed, political empowerment should be developed from the bot-

tom. The people’s good bargaining position can help promote their aspirations to be integrated into reform policies.

More than merely producing reports of empirical researches on agrarian changes in Java in the long term, Gunawan Wiradi has also put his field findings within the context of the debate between classical theory and contemporary theory on agrarian question. In this way, through empirical generalisation and theoritisation, Gunawan has demonstrated his academic works as the representative examples of the “neo-populist approach in agrarian study in Indonesia” either— among Indonesian researchers in particular and the Indonesian people in general. In his last few works, he compared neo-populist approach – which he believes the most appropriate in the context of Indonesia and in line with the history and mandate of the nation’s constitution) – with



the arguments of the research scholars on agrarian reform who either proposed the “impossibility theorems” and the “imperative theorems”.

With great perseverance in dedicating to the above issues, Gunawan Wiradi has continuously promoted the importance of the study on agrarian reform and development of agrarian study in Indonesia. His major role is very evident especially during the time when social science in Indonesia was under the political influence that made agrarian study under suspicion and systematically inhibited during the New Order. His perseverance and works during this period was of great importance since they provide “critical point of view on the policies and direction of agrarian and rural reform” in a time where “development of critical discourse on key issues in agrarian transformation was very much restrained by the political situation that did not give a space for such topic” (White, 2006). Therefore, the historical

value of the works of Gunawan Wiradi lies in their role in bridging the missing link in the history of agrarian study in Indonesia. The works are also the records of special historical testimonies that are of great importance as the reference in promoting agrarian literacy in Indonesia.



YOSEPHA ALOMANG

The Amungme tribe calls her *Mama* (Mommy) Yosepha. “Mama” is an address to an elderly but also an expression of respect to the tough. Yosepha is an Amungme who formerly lived in the areas that are now under the control of Freeport. Her fight against the giant corporation has sent her five times to prison and made her experience the company’s container under torture. The Amungme recognises her as a hard-headed woman who does not yield easily during negotiation let alone be bribed with money and position. “I will first fight for the truth.” Some money awards did not budge her. “You don’t seek money or power when you fight. When you do, it’s business transaction.”

No one knows when she was born, including herself. But Yosepha can tell you everything about the history of the struggle of her land. “In the past, it was a very clean environment. I tended my farm and sang; I saw green mountain. The rivers were so clean that you could see the fish and *karaka* crab

swimming happily. Then Freeport came. There are 25 countries earning their money from Freeport. They damaged the water, damaged the forest, damaged the mountain, damaged the sago trees, and damaged the fish and *karaka*. Freeport also harmed the people. Everything is put into pipes and sent to America.

Yosepha has been fighting since 1974 against Freeport Mc Moran, a giant mining corporation based in New Orleans and started to operate in Papua since 1967. She has been fighting with dignity. She has never felt any doubt when dealing with the company management and security. “I am a woman. The people in Freeport were born from women, the members of the army were born from the women. The State was also born from the women. That’s why I never fear Freeport, the military or the state.” *Mama* Yosepha has raised her arrows to fight.



Mollo is different to the other parts of Southeast Timor District, one of the regions of East Nusa Tenggara. Mollo is a beautiful district, with rich agricultural lands, trees, and savannah located in amongst the karsts that the Mollo people are striving to save. Since 15 years ago, four companies have been given permission by the District Head to mine in Mollo District: PT Setia Pramesti in Ajobaki, PT Semesta Alam Mermer in Tunua, PT Sagared Mining in Fatumnutu, and PT Teja Sekawan in Fatumnasi-Kuanoel. Four different karsts have been, are being, or are going to be destroyed: Nuamolo, Naususu-Anjaf, Naitapan, and Fautlik.

The Mollo see their karsts and the local environment differently to how the government and companies see them. For the Mollo people, nature is where they live – it is as essential as a human body is for life. For the government and companies, they look at nature to decide which part can most quickly be turned into money.

Fatu, nasi, Noel, afu amsan a'fatif neu monit mansian. Rocks are bones, land is flesh, water is blood, and forests are skin, lungs, and hair. If we destroy nature, we destroy our own bodies.

Not only that, but the clan names of the Mollo people come from the stories of karsts, forests, and water. They call their clan names 'rock names', 'tree names', and 'water names'. That is why their struggle to save their environment is in fact a struggle for their identity and homeland.

Marble mining only brings disaster and social conflict to local communities. The surrounding forests are destroyed; boring for marble causes landslides; and water sources are polluted or even cease flowing.

"Women provide a family's food. If nature is destroyed, we will suffer the most. Nearby water sources become polluted from



ALETA BAUN


the mines, so we have to walk further and further to find water. Farming lands get hit by landslides, and our food supply is disturbed. As mothers, as weomen, we cannot idly sit by,” says Aleta Baun, a Mollo woman who has been leading the struggle to save the region’s karsts since 1999.

Aleta Baun successfully gained the support of hundreds of villages, with 150 women joining the movement to weave in front of the mine gates at Anjaf and Nausus karsts for over one year. The men of the community stayed at home to look after the children and cook; they were responsible for sending meals to the women occupying the mining sites. Thanks to international pressure in support of the women’s weaving movement, the mines were closed in 2007. In 2010, the mining companies formally withdrew from the sites.

Aleta Baun is known as a fierce activist who struggles to save the environment and maintain weaving culture as part of the

Mollo community’s lifestyle. In 2013, she won the Goldman Environmental Prize.

MINISTRY OF AGRARIAN AFFAIRS AND SPACIAL PLANNING/ NATIONAL LAND AGENCY: BETWEEN AGENDA OF AGRARIAN REFORM AND LAND REGISTRATION



In April 2010, the Head of the National Land Agency (BPN), Joyo Winoto, made a speech in front of the Council of Professor of Indonesian University. His speech was on Land for Justice and Welfare.

Joyo Winoto asked one basic question: why the hard-working people in the rural areas remain poor? The answer is because people did not have access to power and land ownership. In one hand, people had very limited access to land for tilling and many lands were problematic due to their legal status or were abandoned. The Head of the National Land Agency also pointed out how people did not have access to land because control of assets lied in the hand of a few persons only. Data indicated that 0.2 percent of the Indonesian citizen owned 56 percent of the national assets. Some 62 to 87 percent of the assets were land plots, which could be in the form of brackish-water fishpond, mining, property, plantation and so on. Only a very limited few were in control but so many people did not have anything that lead to systematic injustice in the country.

In terms of abandoned or idle land, data from the National Land Agency indicated that there were 7.3 million hectares of idle land across Indonesia. Of the total size, 15.33 percent were land areas owned by state-own enterprises or by the government. In addition to that, there were 1.935 million people who had the Right to Cultivate (HGU) certificates over fertile land. However, the certificates were made into collaterals that made it difficult for the community and the government to access. It only meant that the land were held hostage. The idea of granting rights of control to land is to free the land from any form of right-related or license-related hostage or any other forms of hostage. After land plots are collected, some of them will be distributed to the people through agrarian reform plus. Agrarian reform plus means there are requirements for distribution and redistribution of land for the community. Agrarian reform plus also provides opportunity to the community to till the land and depend their livelihood from it.

This was Joyo Winoto's commitment that he pledged when he



was appointed as the Head of the National Land Agency (BPN). Joyo Winoto took a political decision by establishing the agreement between the new leadership of BPN and the Commission II of the Parliament in the beginning of 2007 not to amend the Basic Agrarian Law 1960 and to make amendment instead to auxiliary legislations. The agreement included BPN's commitment to focus on implementing and developing agrarian reform as mandated by the President based on the principle that "land is for justice and welfare", including by experimenting on the National Agrarian Reform Program. It was promoted that the Program would allocate some 9.25 million hectares of land for agrarian reform, of which 8.15 million hectares were from conversion forest and 1.1 million hectares were from areas under BPN's direct authority (Winoto, 2007). In addition to that, there were some more 7 million hectares of "idle land" that could be used as the object of the agrarian reform. This was the big agenda that BPN was promoting, which certainly required internal institutional changes and improvement and external legal, institutional and conceptual support.

Ministry of Agrarian Affairs and Spacial Planning/ National Land Agency since 2015, under the leadership of Minister Sofyan Jalil, plans to carry out land certification throughout the country and expects to complete it by 2025. The program of certification known as "Pendaftaran Tanah Sistematis Lengkap" (Complete Systematic Land Registration)

The Minister state that there are 178 million hectares of land plots in Indonesia but only 40 percent of them have been registered and 67 percent of them have been already certified. That is the problem point out by The Ministry targetting for certificating all of the Indonesian land parcels. In additions, The Ministry has been prepared the budget for the PTSL program in 2018 amount of Rp 2.6 trillion for 7.5 million land plots. This figure jumped from 2017 budget of Rp 1.68 trillion to 5.14 million land parcels.

CONTEMPORARY AGRARIAN THINKING AND MOVEMENTS



Agrarian thoughts and movements started to emerge again at the end of the 1980s and beginning of 1990s, which followed the protests of resentment against the eviction and grabbing of farmers' cultivation land to be converted into other economic uses. The emergence of the movements had the origin in the various land-based conflict that took place as a result of development by the state, for instance the development of Kedung Ombo Dam in Central Java, grabbing of farmers' cultivation land for establishment of big plantation in Garut (East Java), development of military training ground East Java, establishment of chemical processing factory in Cilacap, golf course in Cimacan (West Java), oil palm plantation under the plasma transmigration program (PIR-Trans), and the construction of Nipah dam in Madura (East Java) that took the lives of the local community after being shot by the local military.

The agrarian-based social movement in this decade stemmed from the highly educated students and groups in the urban areas. It began with protests of resentment, defence and advocacy

activities, as well as solidarity rally held by university students and non-government organisations against the many land eviction cases in the regions in Indonesia, especially in Java, Bali and Lombok. At the same time, university students and youth solidarity groups as well as student-NGO advocacy work network grew like mushrooms in a number of cities, including the Student Defence Committee for the Indonesian People (Bandung); the Action and Advocacy Group for Cimacan Case (Jakarta-Bogor-Bandung axis); the Action and Advocacy Group for kedung Ombo Case (Salatiga and Yogya); University Student Action Group for the case involving the establishment of the Marine Combat Training Centre in Blangguan, East Java; KMMUWT6 in Surabaya; KSMMUWT in Malang, and KSMJ8 in Jember and Gresik; KSMPK9 and KSRB10 (Bali); and the Network for the Advocacy of Land-Based Cases in West Nusa Tenggara.

During that time, the most prominent issue in the entire agrarian movement was the Return of the Grabbed Land and the Right of the People to Land and was not the issue concerning the

right of the people to land resources, which had been deprived as a result of structural inequality that had been the main cause of poverty in the rural areas. Therefore, land reform for equal control of land was not the main theme of the movement although it was believed to become the most appropriate solution. Existing movements did not deal with issues concerning the right of farm workers or landless farmers, either, which in fact in the Basic Agrarian Law and the Land Reform Law were promulgated as the community groups having the rights to land.

It was the university-student led action groups on agrarian issues that demanded the succession of the national leadership. Some said that the diversion to issue on national succession was disorientation from the fundamental principle and meaning of the agrarian movements that the students had dealt with, which made them increasingly distant from working directly for the interest of the farmers (Dianto Bachriadi, 2005). In short, agrarian movements – that should be based on the interest of the

right, and political right of the farmers in general. The diversion of concern had provided a new perspective in the agenda of struggle they had been dealing with.

In 1995, the agrarian movement in Indonesia was at the cross-roads. The first way was marked by the emergence of a national coalition that consisted of a number of non-government organisations, farmer organisations, and individuals who were concerned with promoting agrarian reform in Indonesia. The coalition was the Consortium for Agrarian Reform (*Konsorsium Pembaruan Agraria/KPA*). KPA was established to implement agrarian reform in Indonesia. The other way was the consolidation and establishment of the federation of farmer associations, the Federation of Indonesian Farmer Associations (FSPI) in 1998. Later, the Indonesian Farmer Alliance (API), Agrarian Reform Movement Alliance (AGRA), and a farmer organisation closely associated with the Democratic People's Party (PRD), National Farmer Union (STN), were also established.



farmers in fighting for their fate – were distorted by the movements that were based in the urban areas, not farmers based.

In response to this, a number of activists and NGOs in Bandung and several cities led the establishment of the Kisaran-Lampung-Bandung-Jogja-Denpasar Axis. In Kisaran, North Sumatra, they relied the hope for farmers organising to Yayasan Sintesa. In Lampung they had the Pos Bandar Lampung Legal Aid Foundation (LBH), in Bandung they had the Rural Education and Development Institution (LP3), while in Yogyakarta they had the Institution for the Study on People's Rights (Le-khat), and in Denpasar they had Yayasan Manikaya Kauci, while a genuine embryo of farmer organisation at the regional level emerged in West Java, namely the West Java Farmers Association (SPIB).

The main focus of these organisations was peasant community organising and issue on the rights of the farmers beyond “the right to land”, including production right, social-economic

Agrarian thinking during this period originated from the young people, who had first hand experience with agrarian problems that farmers were facing in their advocacy-education-organising works. In addition to organising, they also pursued advocacy at the national policy level. Since the emergence of the above organisations, agrarian movement in Indonesia has increasingly expanded and self-consolidated.

INDONESIA'S GLOBAL PACE IN THE AGRARIAN SECTOR

FARMERS AND PEASANTS INTERNATIONAL
LEADERS OF THE REVOLUTIONARY
FARMERS AND PEASANTS MOVEMENT
Edited by
Th. Dombal and N. L. Mecheriakov

2

S. DINGLEY

THE PEASANTS' MOVEMENT
in INDONESIA

R. L. PRAGER

Indonesia has a pace at global level in terms of agrarian reform struggles and policies, peasant rights and rural development. There were several meetings and involvement of Indonesia in agrarian or international issues-based organizations, including the issue of farmers at the 1927 Berlin International Farmers' Organization (Krestintern); Asian-African Conference in Bandung 1955; World Conference on Agrarian Reform and Rural Development FAO and the birth of Peasant's Charter, Rome 1979; International Policy Workshop on Agrarian Reform in Comparative Perspectives, Selabintana, Sukabumi 1981; Conference On Agrarian Reform and Rural Development in Porto Alegre, Brazil 2006, leadership in La via Campessina's international peasant organization; involvement in International Land Coalitions; and international peasant rights meetings in Geneva 2017. These engagements have influence at the global and national level in Indonesia for agrarian reform struggles and policies, peasant rights and rural development.

S. Dingley's Document, *The Peasant's Movement in Indonesia*, Berlin, 1927

Sumira Dingley is the pseudonym of Iwa Kusuma Sumantri. In 1926 he wrote pamphlets in French about the Indonesian peasant movement. The manuscript was first published in English, *The Peasant's Movement in Indonesia* for the Krestintern meeting, the Organization of Farmers and International Farmers, Berlin 1927. After the meeting the pamphlet was then translated into Russian under the title *Bor'ba krest'ianstva Indonezii* in 1927.

This pamphlet contains the struggles and conflicts of peasants against European plantation companies, the weight of the tax burden, extensive land ownership and local "kings", activities of Chinese moneylender and Hajj, also in relation with uneducated farmers who do not know their political rights and various experiences of peasant organizations. The resistance of the peasants in Indonesian history was a resistance to the exploitation of the peasants from the colonial structure and feudal structure.

Source: Parama Arta,
Mei 1965 The 2nd year
No 19 pgs. 1



Various forms of resistance including rebellion, war, individual attacks on oppressors as well as various religious expressions were basically peasant uprisings based on the seizure of agrarian resources. This laid the foundation to the pamphlet's meaning, that various rebellions in the regions along the Indonesian Archipelago were basically peasant movements which defending or seizing agrarian resources on land and coastal areas or sea. As a result of this manuscript, Sumira Dingley was banned by the Dutch East Indies colonial government. (*Ahmad Nashih Luthfi*)

1955 Asia-Africa Conference and Agrarian Aspirations

United Asia-Africa

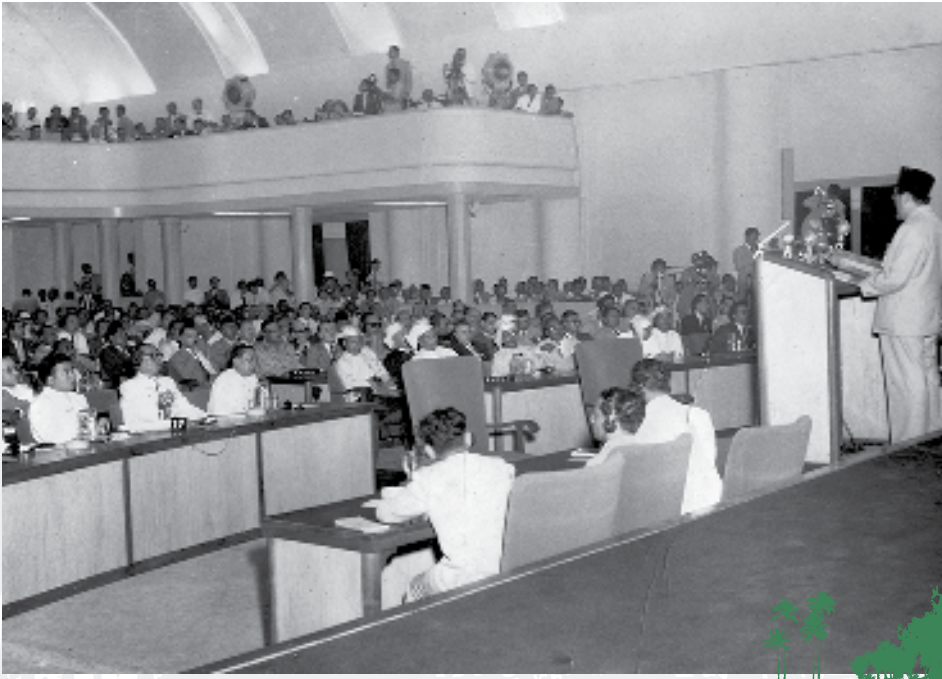
In Bandung, Indonesia, the Asia-Africa Conference (KAA) was held on April the 18th-24th 1955, the conference of which attended by delegates from 29 independent and nearly-independent Asian and African countries, such as Cyprus. Among the heads of state/government who attended the conference, some of them actively fought against colonialism in their respective countries, and were even jailed as political prisoners or exiled to a place to support their political activities. Jawaharlal Nehru, Kwame Nkrumah, Ho Chi Minh, U Nu, Mohamad Ali, Sir John Kotelawala and Soekarno are ones among the leaders who were actively involved in the conference and widely known in the international community as figures who played a role in the liberation of the Asian-African nations against colonialism



This international meeting was called by President Sukarno as “the first international conference of colored peoples in the history of mankind”. This conference marked the historical turning point of the wave of decolonization and also the key event of the Cold War. This conference was the culmination of various aspirations having existed in Asian and African countries: anti-imperialism, anti-colonialism, self-determination, respect for human rights, world peace, and mutually strengthening relations (diplomatic). This conference was born from a long opposition of Asian-African countries to European imperialism in the past as well as a form of resistance to a new-style of imperialism in the form of Cold War intervention. Therefore, this conference could historically be seen as an interconnected world created by the Western imperialism and anti-colonial resistance, and more specifically the active role of Third World leaders in handling the inheritance of the past while facing the challenges in the future. The Asia-Africa Conference which elevated Indonesia to the world’s stage in the struggle against colonialism did not only raise the solidarity of Asian and African nations but also sought to build a program of joint work between Asian and African

countries.

The points of debate and discourse that developed during the conference were contained in the principles of the final communique –known as the Ten Principles of Bandung/Dasasila Bandung– containing respect for basic human rights and the objectives as well as principles stated in the charter of the United Nations (UN); respect for the sovereignty and territorial integrity of all nations; recognizing the equality of all ethnic groups and the similarities of all nations large and small; not intervening or interfering home affairs of other countries; respecting the right of every nation to defend itself alone or collectively in accordance with the UN charter; not using collective defense regulations to act for the special interests of one of the major countries and not putting pressure on other countries; not taking any action on or giving threat of aggression or using violence against territorial integrity or political independence of a country; resolving all international disputes by peaceful means; promoting mutual interests and cooperation; as well as respecting international law and obligations.



*Closing Remarks by Ali
Sastroamidjojo
Source: Museum KAA*

The Asia-Africa Conference has shown the international community that Asian-African countries did not wish to be considered as insignificant in terms of relations or in relations between nations. The call and echo regarding freedom, equality, and companionship were loudly heard at the conference as the opening speech of the conference by President Soekarno, as he reminded Asian-African nations' long struggle ever since the League Against Imperialism and Colonialism in the 1920s up to the Conference in Bogor, Indonesia in 1954 which served as an integral part of the struggle of the Asian-African nations. Colonialism in all its forms was condemned in various statements during the Asian-African Conference.

In fact, President Soekarno's lively speech had mentioned the "lifeline of imperialism" that stretches from the Strait of Gibraltar, the Mediterranean, the Suez Canal, the Red Sea, the Indian Ocean, the South China Sea to the Japanese Ocean. He stated that the adjoining lands during the lifeline of imperialism was largely colonized, the people were not independent, and the future was mortgaged by foreign systems. During the lifeline

or the veins of imperialism, the life of colonialism was pumped into their blood. Ever since the completion of 1955 KAA and the principles of the final conference echoed all over the world, the Asian-African nations had changed and continued to free themselves from the shackles of colonialism. Colonialism in "modern dress" had occurred through the economic, intellectual, and direct physical control within the small but isolated communities in Asian-African countries and it continued to take place.

Bandung Spirit

One of the most important legacies of the KAA was its emergence as a momentum in the mid-20th century to voice out their concerns on the dangers of war caused by the Cold War intervention as well as the entrenched effect of colonialism in their land. When powerful countries were competing to gain influence in world politics and remained silent against the existing oppression in the Third World, these newly independent and nearly independent Asian-African countries had the cour-



age to emerge as a political actor in defending their sovereignty. They emerged with the breath of humanism, as a form of their rebellious expression on the basis of lengthy experience in the oppression of colonialism and the fear of facing the uncertainty of the present and the future in the threat of the Cold War. The spirit of anti-colonialism, anti-imperialism, sovereignty, peace which was echoed by KAA became an important manifesto for KAA to the past world to create a new, more humane and conscionable future for the world. This political view as brought by KAA was referred to as “Bandung Spirit”.

Bandung Spirit contributed a great influence on the anti-colonialism and anti-imperialism movements in the Third World. KAA had pumped up a massive wave of independence in Africa. In a period of five years, from 1957-1962 there were approximately 25 African countries having succeeded in freeing themselves. More importantly, it was also the years where KAA successfully changed the principle of non-aligned into an influential collective movement in the 1960s. The characters were Nasser, Nehru, Nkrumah, Sukarno and Broz Tito. In the

global anti-imperialism movement, Bandung Spirit inspired the emergence of various transnational solidarity movements among non-state actors in Asia-Africa.

There were dozens of conferences and meetings using the Asia-Africa label in the period 1956-1965: Asian-African Students Conference in Bandung (1956), Afro-Asian Peoples Solidarity Organization (AAPSO) in Cairo (1957), Asian-African Writers Conference in Tashkent (1958) and second in Cairo (1963) Asian-African Women Conference in Colombo (1958), Asian-African Federation for Women in Cairo (1961), Asian-African Law Master Conference in Conakry (1962), Asian-African Journalist Conference in Jakarta (1963), Asian-African Journalist Conference in Jakarta (1963), Asian-African Labor Conference Conference in Jakarta (1964), Asian-African Film Festivals in Jakarta (1964), and Asian-African Islamic Conference in Bandung (1965). The legacy of the spirit of Bandung or the spirit of Asia-Africa has emerged as a wave of transnational collaboration or inspired anti-colonialism movements in various professional circles in the Third World in the 1950s and 1960s.



A Meeting of the Heads of Delegations.

FINAL COMMUNIQUE OF THE ASIAN-AFRICAN CONFERENCE

Held at Bandung from 18th to 24th April, 1955

*Source: Bulletin Asian-African
Conference, 24th of April 1955*

KAA and Agrarian Development

In the KAA, agrarian issues are not specifically discussed. At that time, the issue of colonialism and imperialism was felt more fundamentally and seized the attention of Asian-African leaders. Logically, sovereignty was the most essential matter for Asian-African countries at that time. They found ways to build the country and have thoughts on the economic, political and cultural issues of the country, if their own country had not been sovereign from the domination of colonialism and the threat of imperialism. In the context of past time, such matters were understandable. For the Third World region in the 1950s was an era which the process of forming a new nation-state considered as the starting point. Generally, the issue of sovereignty was the most urgent for almost all of Asian and African countries during that term.

In this manner, KAA contributed to the development in the Third World, by voicing out Asian and African countries to become sovereign both in the political and economic matters.

This is where the expectations of agrarian issues were framed, in dealing with economical issues which became the concern in the Final Communique. In the final of KAA communique on economy was stated, whereas (1) the Asian-African Conference recognized the urgency of promoting economic development in the Asian-African region (2) The participating countries agreed to provide technical assistance to one another, to the maximum extent practicable, in the form of experts, trainees, pilot projects, and equipment for demonstration purposes; exchange of know-how and establishment of national, and where possible, regional training and research institutes for imparting technical knowledge and skills in cooperation with the existing international agencies. In the KAA, the participating countries agreed that to establish economic sovereignty and to provide assistance in developing the economies of Asia-Africa countries. This served as an urgent matter. Then, they also agreed that mutual cooperation was needed to exchange experience and knowledge between Asian-African countries with the exchange of skills and experts in engineering and economics.

LAAN SIDANG KE
HUN 1959 DPR
(RTA, (Antara). —
74 mengumumkan
mubakat sidang ke-
1959 DPR akan di-
san tgl. 19 Januari
ai djam 10.00.

Source: *Harian Rakjat*,
14 Januari 1959

IBAAN!

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il perantara

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itu, Pembantu Hakim Major
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ringatan keras, karena sak-
a'2 dan terdakwa sendiri
orang terpelajar dan guru
tentunya harus bisa membe-
dakan antara peringatan de-
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utjapan, demikian juga di-
lam menerima "lugas" ten-
tunya sudah disertai kejakin
an bahwa penggranatan itu
bisa mengakibatkan korban
manusia.

Perlu diketahui, sakti2 yg
dihadapkan itu adalah Jusuf
Ismail, Saadon, Tasrif, Ta-
sins, Moh. Arifin Zein, dan
Sjamsu Bahri.

Sidang akan diandjutkan
pada sore hari ini.
(Bersam. ke hal. II kol 7, 8)

Symposin Ilmu Pertanian A.A. Akan diadakan di Bogor

DJAKARTA, (Antara). —
Symposion Ilmu pertanian
Asia-Afrika akan dilangsung-
kan di Bogor pada pertenga-
han tahun ini, demikian di-
terangkan wakil Senat Ma-
hasiswa Fakultas Pertanian
Universitas Indonesia Sumar-
singih Mertolejo. Symposi-
on tsb. diadakan atas hasil
keputusan Konferensi Maha-
siswa Asia-Afrika jl.

Symposion tsb. dimaksud-
kan untuk memperoleh pen-
dapat2 yang berharga untuk
memadjuikan pertanian di In-
donesia khususnya dan nega-
ri2 Asia-Afrika lainnya.

Ditambahkannya, bahwa ka-
langan2 universitas dan orga-
nisasi2 mahasiswa diluar re-
geri telah pula menjangkup-
kan bantuan bagi penjeleng-
garana symposion tsb. yang
dipukul oleh Senat Mahasis-
wa Fakultas Pertanian Uni-
versitas Indonesia dan Uni-
versitas Gadjah Mada.

Menurut rentjana, pokok2
pembitjaraan yang akan diba-
has dalam seminar tsb. ialah:

Pertama, masalah kapas,
dengan pemsasaran seorang
guru besar dari Mesir.

Kedua, masalah padi, dgn.
pemsasaran seorang guru be-
sar, dari RRT.

Ketiga, masalah penjuhu-
an pertanian, dengan pemsar-
saran guru2 besar dari Indo-
nesia dan RRT.

Keempat, masalah hama
dan penyakit tanaman, dgn.

Setelah berita dari Bengawa.
Setelah kursus latihan
dinas untuk 100 orang perwa-
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nuari dengan bantuan AS.

Libanon — Sovjet perluas perda- ngan

BEIRUT, (Tass). —
buah protokol mengenai
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antara URSS dan Lib-
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tanda tangan tgl. 12 se-
hasil perundingan2.

Protokol itu mengi-
pengisian lebih lanjut
lam jumlah pengiriman
rang2 antara Sovjet &
banon.

Nanti mal

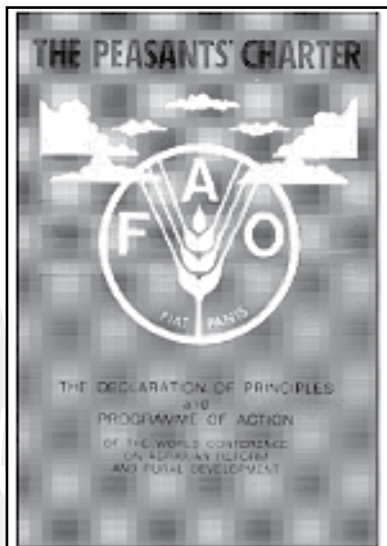
Instruksi Djaksa Agung:

Dita. Lenc. Ang. Liang To

One of the impacts of KAA which was a global community network; to discuss agrarian issues concretely; the emergence of initiatives from Asian African students to plan; to hold an Asian-African agricultural symposium in 1959 at the Faculty of Agriculture, University of Indonesia in Bogor (which later became IPB). These Asian-African students, who brought the spirit of Bandung into the youth struggle through KMAA in Bandung in 1956, saw that for the Asian-African countries, the majority of which relied on agriculture and plantations, the agrarian issue was one of the main issues in the development of post-independence countries. The objective of the symposium was to get input for advancing agriculture in Asian-African countries. Although the symposium was canceled, some of the symposium agenda discussed at the initial meeting had actually included important aspects of agriculture in Asian-African countries. The issue which would be discussed at the symposium was first on the cotton to be delivered by the Egyptian professor; the second was the issue of rice, to be delivered by the professor from the People's Republic of China (PRC); the third, issue of agricultural extension to be delivered by professors from Indonesia and the PRC; fourthly about pests and plant

diseases, delivered by a professor from Indonesia; the fifth issue of reforestation would be delivered by representatives from the PRC; the sixth on the issue of agriculture in industrial countries, delivered by representatives from Japan.

In addition to these topics, the symposium was planned to discuss the faculty of agriculture curriculum as well as to exchange agricultural faculty students in Asian-African countries. The inter-university meeting of Asian-African agricultural faculties had shown that the Asia-Africa Conference did not only stop and discuss political issues at the government level but also on other issues which became a common problem in Asian-African countries. Unfortunately, the Asia-Africa agriculture symposium in 1959 was only a plan. It had not been conducted. (Wildan Sena Utama and M. Fauzi)



FAO 1979 International Conference and Peasant Charter

In July 1979, a World Conference on Agrarian Reform and Rural Development (WCARRD) was held by Food and Agriculture Organization in Rome, Italy. The conference theme was “The Case for Alternative Development of the People, for the People and by the People”.

Various papers related to key themes were presented, including agrarian reforms, fishermen in Asia, homeless people as well as rural farm laborers. The conference, itself was a large meeting of southern-to-northern countries, representing both from government elements to the non-government. This international conference generated “The Principles and Program of Action”, or subsequently known as “Peasant’s Charter.”

Representatives from Indonesia were present at the meeting. The total of attendees nearly reached the amount of 1000. There were 6 out of 145 countries which sent a great number of delega-

tions, including Indonesia.

Indonesia had sent over 40 people as led by the Minister of Agriculture, Prof. Dr. Soedarsono Hadisapetro.

The delegation included Profesor Sajogyo, Dr. Sediono MP. Tjondronegoro, Dr. Rudolf Sinaga (IPB), Profesor Sukadji R (IPB) and others. The “Peasant’s Charter” was formulated in this conference. It contains the Declaration of Principles and Programs of Action. Among them are, access of the poor in their village to land, water sources and other natural resources; participation of the poor, women’s access to rural development; access of agricultural village communities to inputs, markets and various services in agriculture; integration of non-agricultural rural development; access to education, training and counseling. The Charter also regulated concerning global issues, namely international policy as well as its protection against agrarian reform policies and rural development. There was a set of condition where the structure and pattern of international trade and foreign investment are in adjustment to the implementation of

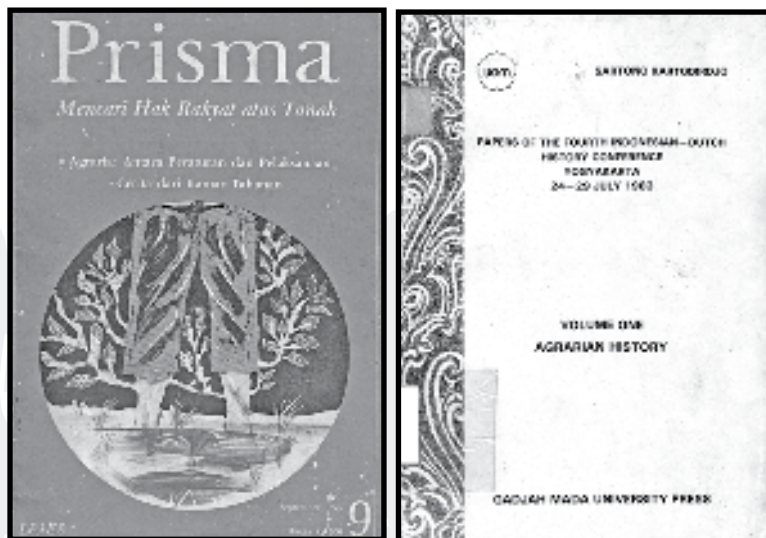


rural development strategies with the aim to eliminate poverty. The principles of economic and technical cooperation between developing countries were also arranged, as well as FAO action programs with other UN agencies. (Ahmad Nashih Luthfi)

International Workshop on Agrarian Reform in 1981 - Selabintana

The results of the 1979 FAO meeting continued to revolve in Indonesia. The meeting was very fundamental for the struggle and policies of agrarian reform, the rights of farmers as well as rural development in Indonesia. With the aim of disseminating the results of the conference, two widely published documents were produced. Prof. Sajogyo as one of the Conference delegates summarized the results of the Conference and published it in Sajogyo "Decision of the World Conference on Agrarian Change and Rural Development", Jurnal Agro Ekonomika, No. 11 years X, October 1979, p. 108-120. Peasant's Charter document was translated massively by Conference participating countries. The conference in 1983 had produced translations entitled, "Charter of Peasants", "Declaration Regarding Principles and Programs of Action", "World Conference on Agrarian Reform and Rural Development", (Jakarta: Bina Desa, 1983).

Since the beginning of the 1979 FAO meeting was responded



enthusiastically by delegations of Indonesian scientists. After returning from Rome, some delegates from Indonesia went to the Netherlands to discuss the results of the FAO meeting. From the meeting in the Netherlands, an agreement was reached on the need for comparative studies on the implementation of Agrarian Reform in other countries. Upon the arrival of delegates in Indonesia, the idea was welcomed at the Agro Economic Survey (SAE). Therefore, preparations were immediately made to discuss the results of the Rome Conference and the idea of the comparative study. Various experts from campuses and government institutions were invited in the preparation.

The results of the 1979 FAO International Congress were a breath of fresh air for the introduction of agrarian reform discourse in Indonesia. The Minister of Agriculture, Prof. Dr. Soedarsono Hadisapoetro, stressed that Indonesia must continue the Agrarian Reform program and the 1960 applicable Basic Agrarian Law/BAL in Indonesia. The September 1979 issue of the leading journal “Prisma” did not hesitate to raise the issue of agrarian reform under the heading “Seeking People’s Rights to

Land”. In this edition, Gunawan Wiradi together with Benjamin White contributed a paper entitled “Patterns of Land Tenure in the Cimanuk Watershed, Formerly and Now: Some Temporary Notes”. Since then, the discourse on Agrarian Reform has resurfaced after a few years before experiencing the ‘communist’ stigma that the government avoided.

At the level of academic studies, its influence was seen in terms of attention to land tenure issues. Workshop on Rural History (1979) held by the Rural Dynamics Study raised the topic of land tenure, followed by a special Training Workshop on Land Tenure System (1979-1981). Five trainings were held as attended by participants from researchers of District Planning and Development Agencies in districts and campus research institutions. The training presented, including “Theories on Rural Areas”, “Theories of Land Reform”, and “Theory-Research Methodology”. Gunawan Wiradi was determined as the head of the committee as well as one of the training speakers.

The idea of a study tour having been initiated since 1979 con-



Gunawan Wiradi as Chairperson of the Committee was delivering a speech "Policy Workshop on Agrarian Reform in Comparative Perspective", Sukabumi, May 17-30, 1981 (Source: Ahmad Nashih Luthfi, 2011)

tinued to revolve. From various meetings, a comparative study to several countries, including to India, the Netherlands, Latin America, the Philippines and others, had finally been decided by Indonesia. Indonesia's choice to visit India was based on Wolf Ladejinsky's book stating that the most appropriate comparative study of land reform experiences is to India, given the level of cultural and agronomic similarity. Thus, in the late 1980s and January 1981, three teams were sent to India. The first team consisted of Professor Parlindungan, Dr. Onghokham, and Dr. Anwar Hafid with the destinations to Kerala and southern India. The second team consisted of Prof. Iman Sutikno, Dr. Ir. Ari Lestaryo and Drs. Sanyoto who went to New Delhi and Bihar. The third, consisted of Ir. Gunawan Wiradi, M.Soc.Sc., Dr. Parsudi Suparlan, and Ir. Sutardja Sudrajat from the Directorate General of Agrarian Affairs with the destinations to Punjab and West Bengal. Various results of the visits were then presented by Indonesia, the Netherlands and other experts participating at an international workshop at Selabintana Sukabumi in May 1981.

Host of the International Policy Workshop on Agrarian Reform
166

in Comparative Perspectives, Selabintana, Sukabumi in 1981 was SDP-SAE, Bogor. The workshop was held for 2 weeks presenting various results of research and visits regarding the experience of implementing agrarian reform in various countries. The overall results of this workshop were summarized by Benjamin White and Gunawan Wiradi in *Agrarian Reform in Comparative Perspective: Policy Issues and Research Needs*, SAE and ISS, 1984. At a far later time, the manuscript was then made available in Indonesian language in the form of "Benjamin White and Gunawan Wiradi" (ed.), *Agrarian Reform in a Comparative Review, Results of Agrarian Reform Policy Workshops in Selabintana, Bogor*: Brighten Press, 2009.

The workshop was attended by approximately 45 international participants, who came from universities in Indonesia, the Directorate General of Agrarian Affairs, the governor's office (West Java), researchers and scientists from ISS (The Hague, Netherlands); Center for Social Sciences Studies (Calcutta), Land Tenure Center, Wisconsin University (Madison, USA), Center for Development Studies, Ullor, Trivandrum (India),



Professor Martin Doornbos representing the Chancellor of the ISS Den Haag gave an opening speech of the "Policy Workshop on Agrarian Reform in Comparative Perspective", Sukabumi, May 17-30, 1981 (Source: Ahmad Nashih Luthfi, 2011)

Nuffic (Netherlands), Erasmus University (Netherlands), representatives of IDRC, USAID and Rockefeller Foundation.

Although the situation of discussing agrarian reform had begun to open up, the government authorities were still worried that intelligence was sent to oversee the implementation and to restrict the workshop from being covered by the media.

This workshop produced crucial recommendations, namely that Indonesia must consistently implement the agreement of the 1979 Rome Conference, therefore the establishment of an Authority Agency which would work in implementing the agrarian reform was required: (a) to accelerate the implementation process; (b) to coordinate all sectors; (c) to handle conflicts. Regrettably, the New Order did not focus on the issue of Agrarian Reform. In addition to recommendations, as a scientific meeting, this workshop produced academic texts which focused on issues concerning the penetration process of capitalism in the countryside (modernization and commercialization of agriculture), changes in social agrarian relations, employment and

gender relations, migration and de-agrarian processes.

Several meetings and the involvement of Indonesia with all the existing internal dynamics, had an impact that Agrarian Reform was no longer synonymous with the communist agenda. At the academic level, this matter gave political influence to social scientists who previously "laid down" and were reluctant to mention the issue. They began to dare to talk about it. (*Ahmad Nashih Luthfi*)




Notes From Porto Alegre 2006

International Conference on Agrarian Reform and Rural Development (ICARRD) as facilitated by the United Nations Food Organization (FAO) was held on 7-10 March 2006 in the City of Porto Alegre, Brazil. In the iconic city of Rio Grande do Sul (the state of the Republic of Brazil). There were delegates from 93 participating countries who shared their experiences on agrarian reform and rural development.

The Indonesian delegation comprised the Consortium for Agrarian Reform (KPA), Ministry of Agriculture (Deptan), National Land Agency (BPN), Embassy of the Republic of Indonesia in Washington (USA), Indonesian Embassy in Rome (Italy), and Indonesian Embassy in Brasilia (Brazil). All of these members were the official delegation or the Delegation of the Republic of Indonesia (Delri). In addition to the official delegation, the Federation of Indonesian Peasant Union (FSPI) as a peasant movement organization in Indonesia also participated in this conference.

Issue of hunger, which continues to threaten people in various parts of the world, especially in poor and developing countries, forces leaders of various countries to seek solutions. Various methods had been taken, but hunger/poverty issues continue to occur. Challenges have been extending from the local, national, regional, even to global domains. Unjust and far from balanced relations in the world political and economic order, became the concern of some conference participants. It was the shared concerns across nations which evoked the global spirit to synergistically build cooperation in overcoming the causes of poverty and hunger.

ICARRD produced a joint declaration containing 27 points of view, a vision statement, and 11 principles which included four points of joint covenant and attitude to carry out agrarian reform and rural development. This conference seemed to remind the work program offered by Susilo Bambang Yudhoyono at the time, which in his 2004 campaign stated that agrarian reform would be prioritized. Agricultural development will not prosper at all layers of the peasant community unless agrarian problem



Sediono M.P. Tjondronegoro, Gunawan Wiradi and Usep Setiawan who were listening to the sharing at the ICCARD conference in Porto Alegre, Brazil, 2006.
Source: Ahmad Nashih Luthfi 2011

is immediately solved as a whole. Therefore, equitable access to land and natural resources is the first necessary step.

It should be noted that in September 2005, the United Nations was determined to reduce 50% of the 1.9 billion world-wide people who were lacking in food, in the coming decade (2005-2015). As we know that food is sourced from agriculture, this matter will be inseparable from lands and water. The governments present at the Conference, were encouraged to have a strong political commitment to agrarian reform in order to overcome the problems of food and agriculture. The declaration issued by ICARRD 2006 is an additional driving force in implementing agrarian reform that is fully supported by all elements of government. This declaration required escort from people's organizations (peasants) and all NGO having concern on agrarian and rural issues.

The positive substance contained in the ICARRD declaration reinforces the spirit of leaders and peoples of various countries in the world, to achieve “uma visao para o futuro” or a new vi-

sion for the future. The new vision of the future is the creation of a new world order, which declares freedom from poverty and hunger, through genuine agrarian reforms. (*Usep Setiawan*)

ATTACHMENT I:

Editor's note: the attachment to the following article comes from the writings of Usep Setiawan and Prof. Sediono MP Tjondronegoro as the delegation present at the Conference. The article was published in the Sinar Harapan newspaper, March 13, 2006.

Special Notes on Reports from ICARRD 2006: Looking Forward to the Realization of Agrarian Reform

Usep Setiawan and Prof. Sediono MP Tjondronegoro

PORTO ALEGRE – The city of Porto Alegre became a historical witness for the agrarian reform movement. In the city, on March 7-10, 2006 a grand event entitled International Conference on Agrarian Reform and Rural Development (ICARRD) was held and attended by delegates from 93 countries.

In this conference, Indonesia sent compounded delegations, both from the government and non-government. The Ministry of Agriculture (Deptan) and the National Land Agency (BPN) together with the Embassy of the Republic of Indonesia in Washington (USA), the Indonesian Embassy in Rome (Italy), and the Indonesian Embassy in Brasilia (Brazil) as representatives of the government. Meanwhile, the Consortium for Agrarian Reform (KPA) sent four messengers who were officially joined in the Delegation of the Republic of Indonesia (Delri). In addition to the official delegation, the Federation of Indonesian Peasant Union (FSPI) as one of the elements of civil society, in the form of peasant movement organizations in Indonesia, also attended and colored the conference.

The organization of the world peasant movement incorporated in La Via Campesina, along with various other elements of the civil society movement also held “counter conferences”, in the same arena thus they paralleled the ICARRD. A number of

official delegations from various countries and the civil society movement in essence, intended to have certainty of commitment of all parties to the implementation of genuine agrarian reform. A reform which takes the side of the poor suffering from poverty and hunger.

ICARRD produced a joint declaration containing 27 points of view, a vision statement, and 11 principles which contained four points of joint covenant and attitude to carry out agrarian reform and rural development. During the conference, the Indonesian delegation acknowledged that the problem of conversion of agricultural land to non-agriculture has resulted in reduced productive land. It was revealed that between 1992-2002, the conversion of paddy farmland was around 64,000 hectares per year (or 0.8% per year from the total area of existing rice fields). Of that amount, 41% was converted into non-rice, housing 29%, industry 5%, office buildings 8% and others, 17%.

Yudhoyono's Commitment

The conference served as a reminiscent of the work program offered by Susilo Bambang Yudhoyono during the 2004 campaign raising hopes that agrarian reform would be prioritized.

It should be understood that agricultural development cannot prosper at all layers of the peasant society if the agrarian problem is not immediately solved in a complete manner. Therefore, fair and equitable access to land and natural resources is the first necessary step. In addition, agricultural development without providing a plot of land and water resources to farmers, is the same as seeking industrialization without providing machinery and technological equipment.

It should be noted that in September 2005, the United Nations was determined to reduce 50% of the 1.9 billion people who lack food in the world, in the coming decade (2005-2015). As

known, food is sourced from agriculture, thus, is inseparable from land and water.

The government should have a strong political commitment to agrarian reform as to overcome the issues arising on food and agriculture.

The authors recalled, it would have been better if this was voiced directly by the Minister of Agriculture (Mentan) and/or the Head of the National Land Agency (BPN) RI in ICARRD 2006 in Brazil.

Regardless, the declaration issued by ICARRD 2006 should be placed as an additional driving force to make sure to implement agrarian reform that is fully supported by all elements of government.

This declaration must also be escorted by people's organiza-

tions (peasants) and NGOs having concerns on agrarian and rural issues.

Hopefully, the inclusion of the Minister of Agriculture and the Head of BPN in the 2006 ICARRD does not reduce, let alone eliminate the government's political commitment to carry out agrarian reforms that favor the peasants and the poor, in general.

Usep Setiawan is the Secretary General of KPA, Prof. Sediono MP Tjondronegoro is Emeritus Professor of Bogor Agricultural University (IPB)

ATTACHMENT II:

Sinar Harapan, 12th of April 2006

End Poverty and Hunger

Usep Setiawan

The International Conference on Agrarian Reform and Rural Development (ICARRD), was successful on 7-10 March 2006 in the City of Porto Alegre, Brazil. In the iconic city of Rio Grande do Sul (a state of the Republic of Brazil), delegates from 93 countries shared their experiences of agrarian reform and rural development.

The cross-country conference which was facilitated by the United Nations Food Agriculture Organization (FAO), tried to foster mutual learning and understanding. The difference is

that it is increasingly unifying determination to jointly overcome poverty and hunger. This conference by the Brazilian government was dedicated as the remembrance of Professor Josue de Castro (1908-1973), a world leader who once led FAO.

Professor Castro was known as a persistent fighter mobilizing the world's attention to fight hunger and poverty. The trial was led by Miguel Rossetto (Minister of Agrarian Development). Each delegation leader expressed a general view of the conditions and dynamics of agrarian policy and village development in their respective countries. Each delegation leader also explained their attitudes and views on ICARRD.

Jafar Husein (Deputy Head of Representative of the Indonesian Embassy in Rome Italy) as the leader of the Indonesian delegation also expressed his general view. There were several important points from the views of the Indonesian delegation.

First, there has been recognition for the past 30 years that Indonesia has experienced many difficulties in carrying out agrarian reform. It is realized that there are still inconsistencies between the law and its application.

Secondly, the period 2004-2009, Indonesia placed agricultural revitalization as one of the national economic development priorities aimed at improving people's welfare while building a solid economic fundamentals. This is also intended as a strategy to overcome unemployment, poverty and inequality of development.

Third, in that spirit, the Indonesian delegation supported the implementation of agrarian reform and rural development.

Fourth, through ICARRD, the Indonesian delegation had hopes to build strategic cooperation with various countries to carry out agrarian reform and rural development through

sharing experiences, constructive and systematic dialogues.

National Report

Each country participating in the conference prepared a national report. In Indonesian delegation's national report, a number of substances were considered important as material for mutual reflections and learning. Indonesian reports included:

First, Indonesia's attitude in conjunction with the implementation of ICARRD 2006; general description of Indonesia, and; philosophical basis for agrarian reform and rural development in Indonesia.

Secondly, a general description of agrarian issues, depicting inequality of ownership and control of land; the conversion of agricultural land to non-agriculture, and agrarian conflict.

Third, agrarian reform policies and their implementation, outlining; implementation of agrarian reform, and; agricultural and rural development.

Fourth, the agenda of agrarian reform and rural development in Indonesia; agricultural development agenda; agrarian reform agenda, and the relationship between agricultural development and agrarian reform.

Fifth, in the concluding section, the emphasis on agrarian reform and rural development as a major work requiring the commitment of various parties. It was considered necessary to have the same understanding as well as movement from all parties as it will determine the success of agrarian reform and rural development.

Global Spirit

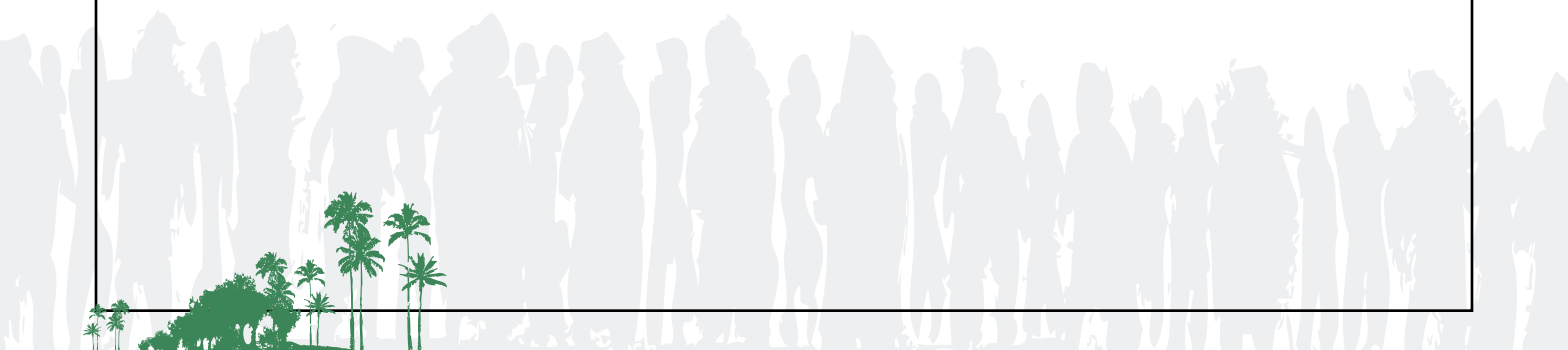
Hunger, which continues to threaten humans in various parts

of the world, especially in the poor and developing countries, forces the heads of various countries to seek solutions. Various methods have been applied and yet, hunger/poverty issues continue to occur.

Challenges continue to extend from the local, national, regional even to global domains. Unjust and slightly imbalance relations in the world's political and economic order, became the concern of several conference participants. This shared concern across nations had evoked the global spirit to synergistically build cooperation in overcoming the causes of poverty and hunger issues.

The Conference produced a joint declaration containing 27 views, a vision statement, and 11 principles which contained 4 joint covenant and attitudes to carry out agrarian reform and rural development.

The positive substance contained in this declaration should reinforce the spirits of leaders and peoples of various countries in the world to seize the visão of o futuro or new vision for future. Indonesian leaders can not avoid this. The new vision for the future, is the creation of a new world order which is free from poverty and hunger, through genuine agrarian reforms.



ABOUT THE EDITORS

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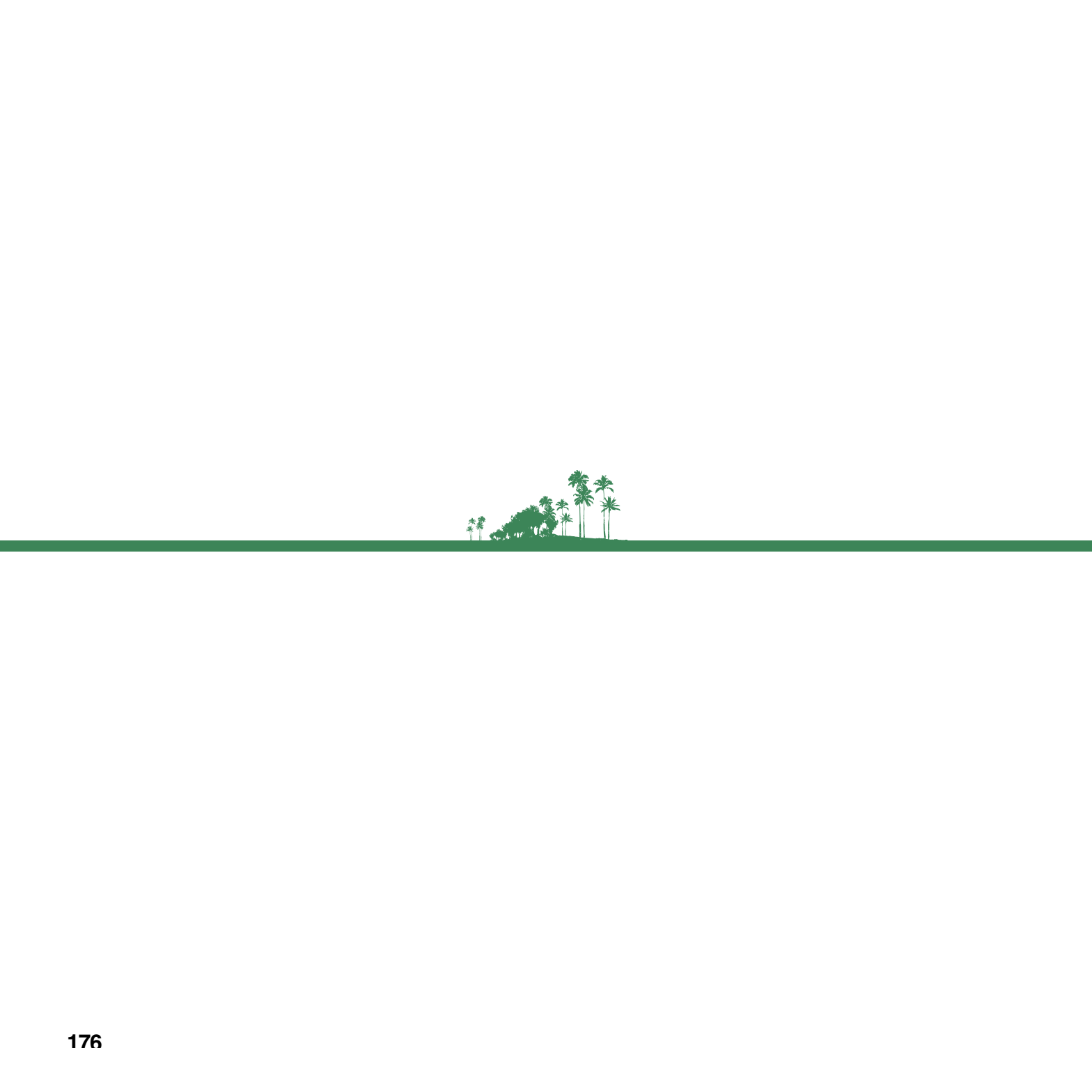
His books include *Manusia Ulang-Alik, Biografi Umar Kayam* [The Commuter: Intellectual Biography of Umar Kayam] (2007); *Landreform Lokal a La Ngandagan, Inovasi Sistem Tenurial Adat di Sebuah Desa Jawa, 1947-1964* [Local Land-reform a la Ngandagan, Innovation of Adat Tenurial System in a Rural Java, 1947-1964] (2010) as a co-author; *Pemikiran Agraria Bulaksumur: Telaah Awal Sartono Kartodirdjo, Masri Singarimbun, dan Mubyarto* [Agrarian Thinking from Bulaksumur: Preliminary Studies for The Agrarian Thinking of Sartono Kartodirdjo, Masri Singarimbun, and Mubyarto], as a co-author (2010); *Melacak Sejarah Pemikiran Agraria: Sumbangan Pemikiran Mazhab Bogor* [Tracing the History of Agrarian Thinking: The Contribution of Bogor School of Thought] (2011); *Keistimewaan Yogyakarta: Yang Diingat dan Yang Dilupakan*

[Special Region of Yogyakarta: Remembered and Forgotten Things] as a co-author (2014, revised edition); *Sejarah/Geografi Indonesia* [Historical/Geography of Agraria] (2017); book-chapter “Les pérégrinations de la réforme agraire Indonésienne 1945-2009”, in Rémy Madinier (ed), *Indonésie contemporaine, Irasec et Les Indes Savantes* (2016); and articles journal “Sejarah dan Revitalisasi Perjuangan Pertanian Nahdlatul Ulama Melawan Ketidakadilan Agraria” [The History of Pertanian Nahdlatul Ulama and Its Struggle Against Agrarian Injustice] (2017); “Kekerasan Kemanusiaan dan Perampasan Tanah Pasca- 1965 di Banyuwangi, Jawa Timur” [Les violences aux personnes et les saisies de terres post-1965 à Banyuwangi, Java Est], *Archipel*, 95 | 2018, 53-86. *E-mail: anasluthfi@stpn.ac.id*

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Agrarian problems are consequences and capitalism is the cause, which is in place when one wants to explain the long history of agrarian issues in Indonesia. The agrarian politics had the origin in the advent of VOC in the medieval Indonesian archipelago, which continued to the Dutch colonial administration, Sukarno era (Old Order), Soeharto era (New Order), up to the contemporary Indonesian administration. The politics of agrarian issues reflects the approaches and measures of the ruling power to respond to capitalist development, which requires sharpness and solidness to face capitalism. Such sharpness and solidness are necessary in line with the proposition: 'if capitalism is thrown out of the door, it comes in through the window.' The position taken by the ruling power is materialised in the law, infrastructure, and the forms taken by the state. The state's position reflects whether the state puts first the sovereignty of the people, the state, or the dominating power taken by the capital.

AGRARIAN CHRONICLES
IN INDONESIA:
Expanding Imagination
over Periods, Sectors and
Actors

Editors: Ahmad Nashih Luthfi
& M. Fauzi

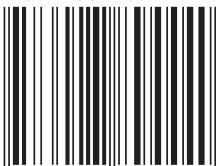


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